

THE
BLACK BOOK

KINCARDINESHIRE

NEW EDITION, ILLUSTRATED.

BY
JAMES ANDERSON

STONEHAVEN.

18

LEWIS SMITH & SON,
— ABERDEEN. —

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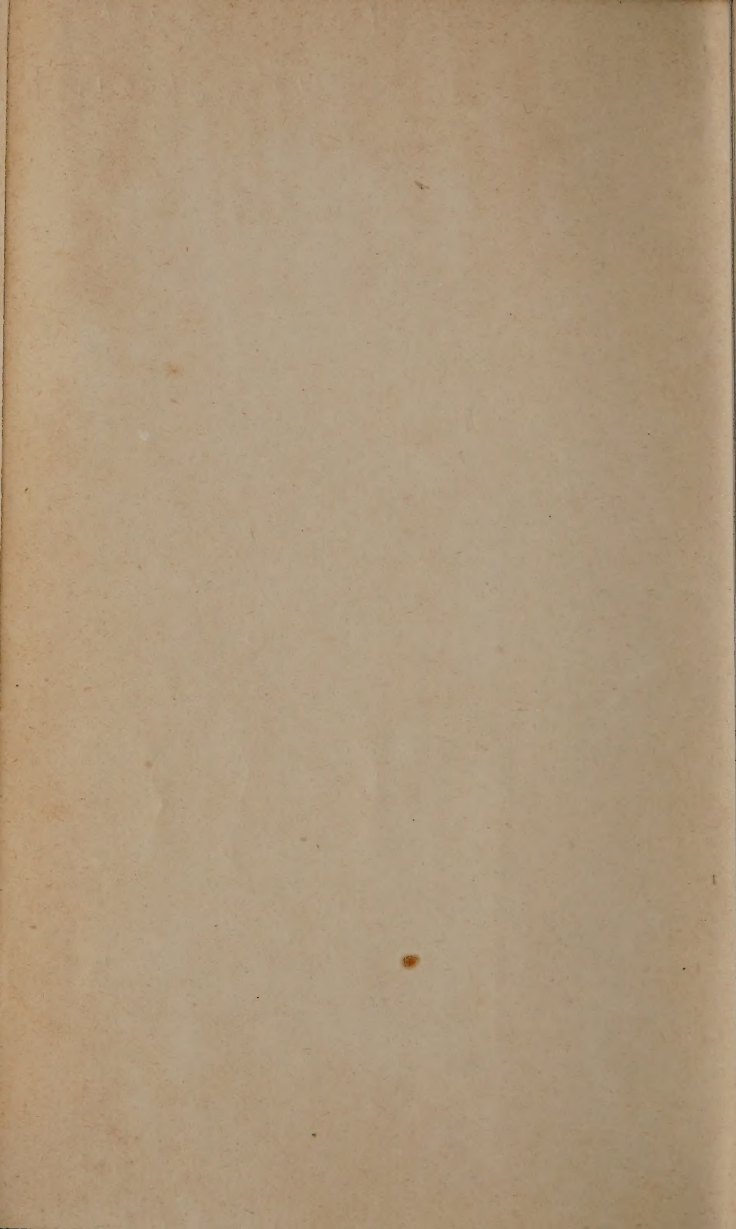
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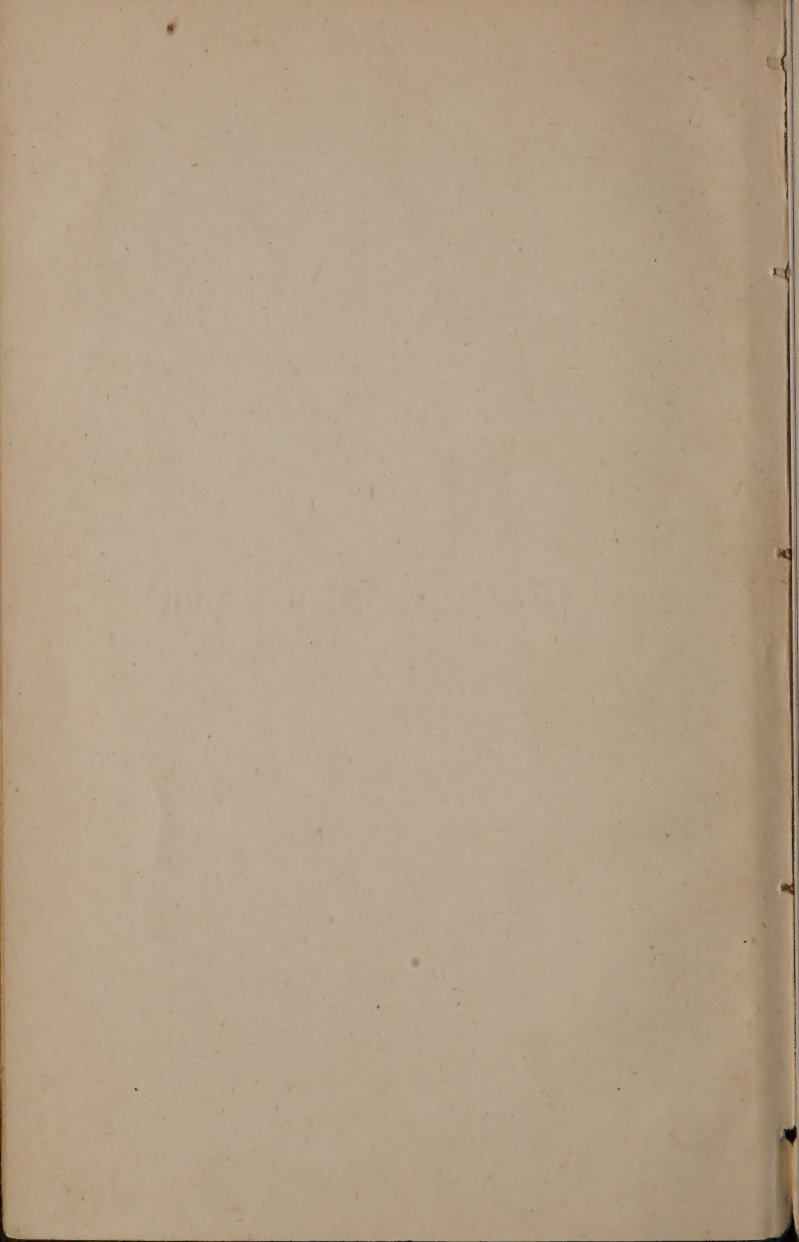
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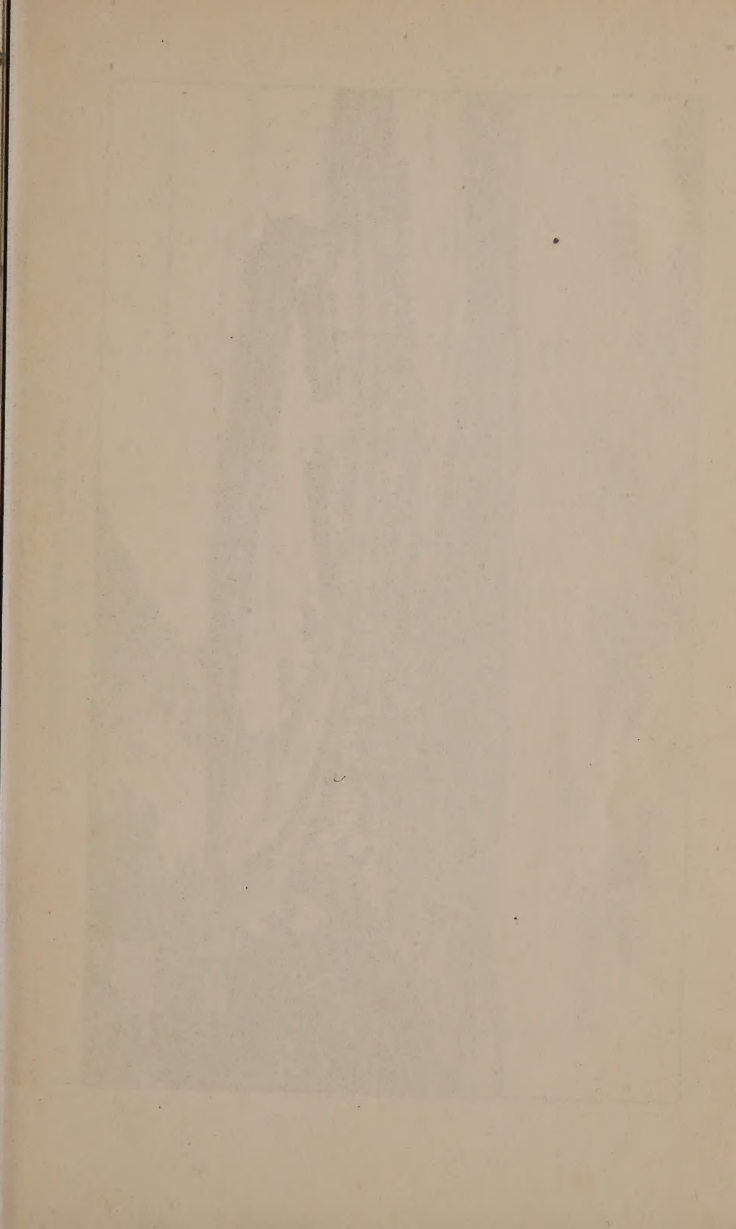
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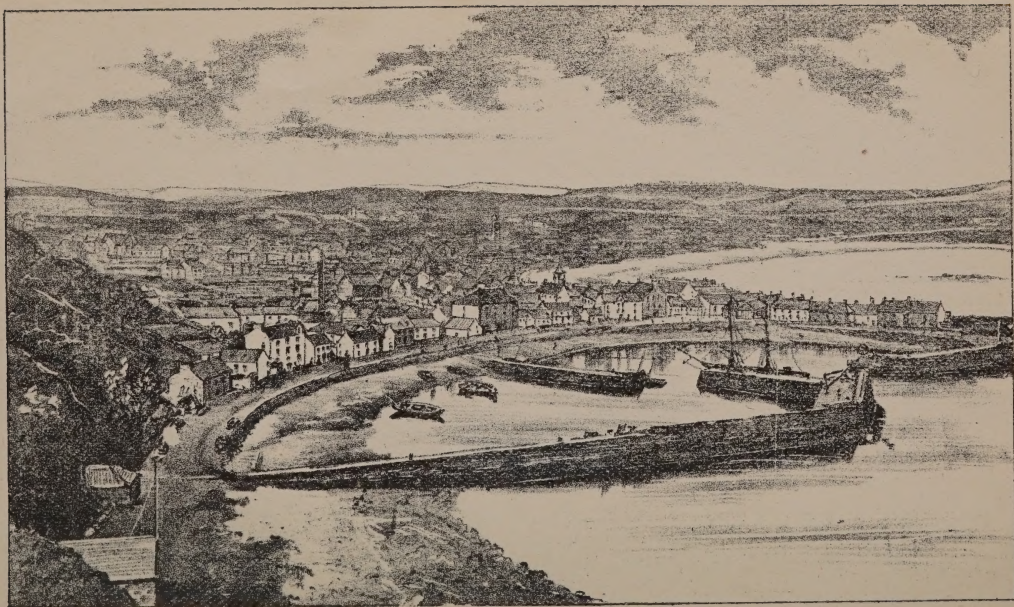
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BLACK BOOK OF KINCARDINESHIRE.







STONEHAVEN, *FROM THE BERVIE BRAES.*

THE
BLACK BOOK
OF
KINCARDINESHIRE :

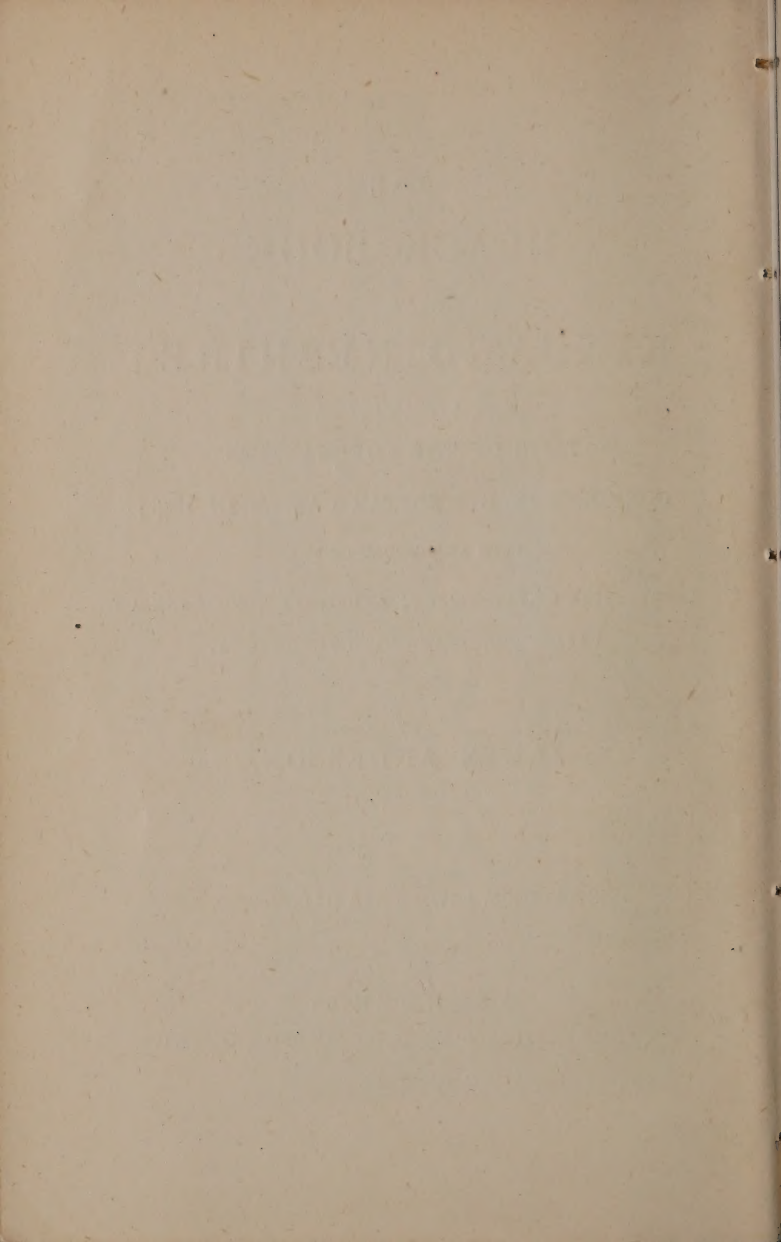
CONTAINING
LISTS OF THE COVENANTERS
CONFINED IN DUNNOTTAR CASTLE IN 1685 ;
WITH AN ACCOUNT OF THE
PERSECUTION OF EPISCOPACY ; AND OTHER MISCELLANEOUS
PAPERS CONNECTED WITH THE COUNTY.

BY
JAMES ANDERSON,
STONEHAVEN.

NEW EDITION, REVISED AND ILLUSTRATED.

ABERDEEN :
LEWIS SMITH & SON, 3 M'COMBIE'S COURT.

MDCCCLXXIX.



PREFACE TO THE FIRST EDITION.

THE compiler having long had access to the County Records, the materials of which the present volume is principally composed, were, from time to time, collected from them, merely to gratify private curiosity ; and it was solely at the urgent request of his friends that they have assumed their present shape. Although he has been led to believe that, “in the multitude of counsellors there is wisdom,” still he cannot divest himself of the opinion, that to many it will be the source of but little interest or amusement. Should he find a few, however, who take delight in dwelling for a time among things illustrative of bygone years, he would fain indulge the hope that they will not consider their time misspent in devoting it to a perusal of the following pages.

In the few desultory remarks which accompany some of these fragments of antiquity, the compiler has not been actuated by any biased motives. His sole object has been to faithfully set down such incidents connected with them as he was able to collect from sources which appeared to be worthy of credit, and the matter possessed of interest.

If he has been so fortunate as to bring from their musty repose, to the eye of the public, any documents which may tend to throw light on the past, he will consider that his labour has not been without its aim, and that no apology is necessary for their intrusion upon the public notice.

July, 1843.

PUBLISHERS' NOTE.

It is now thirty-six years since the "Black Book of Kincardineshire," compiled by the late Mr. James Anderson, was first issued to the public. It was speedily bought up, so that for the last ten years it has been a "scarce" book, and only to be picked up at a fabulous price. The publishers have now reprinted a revised and illustrated edition, in a cheaper form, in order to bring it within the reach of every home in Kincardineshire. Apart from the interest connected with the sufferings of the Covenanters, there is included a large amount of varied information connected with the County, which is not to be found elsewhere.

THE COVENANTERS.

“ They stood prepared to die ;—a people doom’d
To death,—old men, and youths, and simple maids.”

GRAHAME.

THE documents we have selected for opening these pages with, are Lists of the Covenanters confined in Dunnottar Castle, in the year 1685. As the sufferings they endured while there, and the cruelties that were inflicted on the Covenanters in general, have occupied the attention of many eminent historians, and with whose writings most people are familiar, we do not deem it necessary to enter into any detail of them here. Suffice it to say, that those who were attached to the Covenants endured various hardships. Without respect to age or sex, they were seized by a heartless soldiery, and goaded on from place to place, and thrown into dungeon after dungeon, till disease and cruelty thinned their numbers, but did not materially affect their cause. During these dark and troubled times no fewer, it is computed, than eighteen thousand suffered death, or the utmost extremities, for refusing to take the test oath. In it the King’s supremacy was maintained, the Covenant renounced, and all obligations disclaimed, of endeavouring to effect any alteration in civil or religious establishments : and this test all persons possessed of offices, civil or ecclesiastical, were bound to take.

The following declaration, as sworn to by some of the gentlemen of Kincardineshire, would appear to

partake somewhat of the nature of this famous test oath.

“ DECLARATIONE.

“ Wee undersubscrivers DOE sincerely affirme and declare that wee judge it unlawful to subjects, upon pretence of reformation or other pretence qt.soever to enter into leagues and covenants or to take up armes against the King or those commissioned by him ; and that all these gatherings, convocations, petitions, protestations, and erecting and keeping council tables that were used in the beginning and for carrying on the late troubles were unlaull and seditious, and partlie these oaths yre. of, the one wes commonly called the Nationall Covenant, as it wes sworne and explained in the year 1638 and thereafter ; and the oyr. intituled the Solemn League and Covenant, were and are in ymselves unlaull oaths, and were taken by and imposed upon the subjects of this kingdome against the fundamentall lawes and liberties of the same. And that yr lyeth no obligatione upon us or any of the subjects from the sds oathes, or either of ym, to endeavour any thing or alteration of the Government, either in Church or state, as now established by the Lawes of this Kingdome.

“ Geo. McKenzie, Collr.

“ Ja Falconar	Arbuthnott
Jo Barclay	Halcartone
Jo. Falconar	Ja Falconar
H Wood of Balbegno	Cha Ramsay
Ro Keith	Al. Falconar
R. Patrie	William Ramsay
J. Bannerman	And. Middleton
T. Burnett	W. Raitt
J. Carnegie	W. Burnett
G. Keith	Jo Irvine
Marischall	Will Barclay.”

One hundred and sixty-seven of those unfortunate Covenanters, male and female—chiefly from the south and west country—who, at different times during the persecution under Charles II., had been made prisoners for Conventicles, were upon the news of Argyle's invasion removed from Edinburgh, and arrived at Dunnottar Castle on Sabbath the 24th May, 1685. The Governor, George Keith, of Whiteriggs, ordered them to be confined in a long narrow apartment, which is still to be seen almost entire, and is known by the name of the "Whigs' Vault." While here many are the instances of cruelty which history and tradition have handed down to us, as having been inflicted on them; and which cannot be brought to recollection without creating feelings of sorrow and indignation. The following is a list of their names, and to which reference is made by *Wodrow* and other writers, as being in the Sheriff-Court Office of the County.

"LIST OF THE PRISONERS now in Dunnottar, not banished; all of them refused the oath of alleadgence, and mannie of them refused His Majestie's authoritie, and to swear the oath of abjuratiōe before the Ld of Gosford, at Bruntilland, the 19th May, 1685.

Mr Jon Fraser
Wm. Oliphant
Charles Gray
Jon Foirman
Jon Martine
Pat Cunninghame
Jon Kinkaid
Adam Hood
Ja Kirkwood
All. Valenge
Jon Hendersone
All Smyth
Mungo Cochran
Peiter Russell

Rot. Mckqueen
Wm. Turnbull
Jon Mckqueen
Wm. Hanna
Wm Wilsone
Jon Ford
Jon Syntoune
Ja Atchisone
Peter Dredone
Mr Wm Mckmillen
Andw. Mckleland
Andw. Corbit
Jon Hunter
Jon Harper

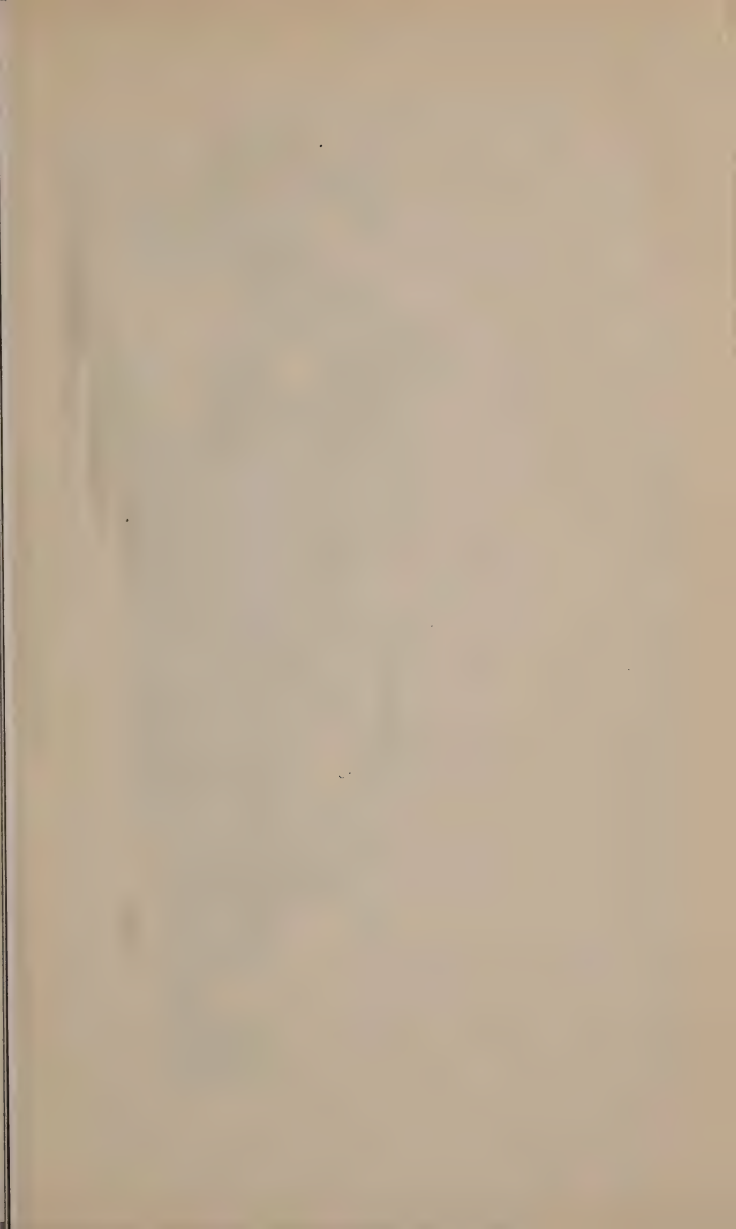
Charles Douglas	Jon Rany
George Moore	Geo Johnstoune
John Gilfillen	Christopher Strang
Jon Mckgie	Alexr. Dalgleish
Jon Turpine	Jon Harvie
Jon Buchanan	Robert Young
Jon Wrie	Andew. Patersone
Andw. Mckqueen	Thomas Patersone, hes taken
Tho Mckenzie	the oathes, &c.
Ja Wrie	Jon Whyt. Dead.
Wm. Boyd	Jon Wallace
Thomas Black, hes taken	Wm. Waterstoune, accepts the
the oathes, &c.	oathes, &c.
Walter Black Idem	James Moffat Idem
James Junk	Rot. Bryden Idem
Wm. Campbell	Jon Hutchesone
Jon Campbell	Jon Marischall
Ja. Forsyth	Rot. McLellan
Wm. Broune. Dead.	Jon Robertsonsone liberat
Thomas Russell	
George Broune	
Jon Pollock	
Rot. Young	
Ja Rostoune	
Alex Smyth	
Ja Russell. Dead.	
Jon Smith	
Rot. Logane	
Ja M'Kaall	
Wm Douglas	
Jon Crightoune	
Ja Grier	
Walter M'Kmaine	

PRISONERS BANISHED.

Jon Kellie
 Jon Wallet
 Wm. Sprud
 Wm M'Kalbone
 Quentin Dick
 Robert Gless
 Jon Watt
 Pat Walker
 Jon Hodge
 Wm. Niven

PRISONERS NOT BANISHED.

Jon Black
 Jon Corsan
 Ro Gilchrist
 Cuthbert Gilchrist
 Jon Smith
 Fergus Grier
 Pat. McKyore
 Thos. Breadie
 Robert Breadie
 Jon Breadie
 Rot. Barclay
 Ja Cochran
 Wm. Lawtie
 Ja Ritchie
 Ja Ore
 Ja Glen
 Hugh Blair
 Pat Wrie
 Collein Aliesone
 Robert Gilmoore
 Jon Tagatt
 Tho Littleloune
 Jon Gray
 Wm. Sprud





DUNNOTTAR CASTLE, *FROM THE NORTH.*

Jon Corbit	Ja Atchiesone. Dead.
Geo Moorhead	Wm. Wilsone
Jon King	David Scott
Wm. Breadie. Dead	Andrew Corbit
Wm. Gilmore	Robert Goodwine
Ja Lockheart	

LIST OF WOOMEN.

Barbra Cowan	Girsell Gemmell
Agnes Cowhead	Margaret Mcklellan
Bessie Gordone	Marie Gipsone. Dead.
Nicols Boneight	Elizabeth Whytlaw
Kirstaine Cavie	Jannet Whytlaw
Elizabeth Corss	Kirstaine Scott
Grisell Witherspoone	Jannet Glendining
Margaret Wrie	Jannet Bell
Jeane Mckgie	Keithrine Kellie
Margaret Forrest	Annabel Jackson
Issobell Gordone	Annabell Gordone
Jeane Gordone	Jeane Simple
Agnes Hairstaines	Jeane Muffett. Dead.
Mistres Gairdiner	Jannet Fumartoune
Issobell Howiesone	Margaret Leslie
Margaret Ruan	Mart. Lithgow
Agnes Mather	Marjory Gowane
Elspet Fergusson	Margaret Millar
Jannet Fergusson	Agnes Tamies
Margaret Philip	Mistress Mckbirnie
Elizabeth Maidleine	Elspet Whyt
Elizabeth Walker	Margaret Rowane."
Katherine Clarke	

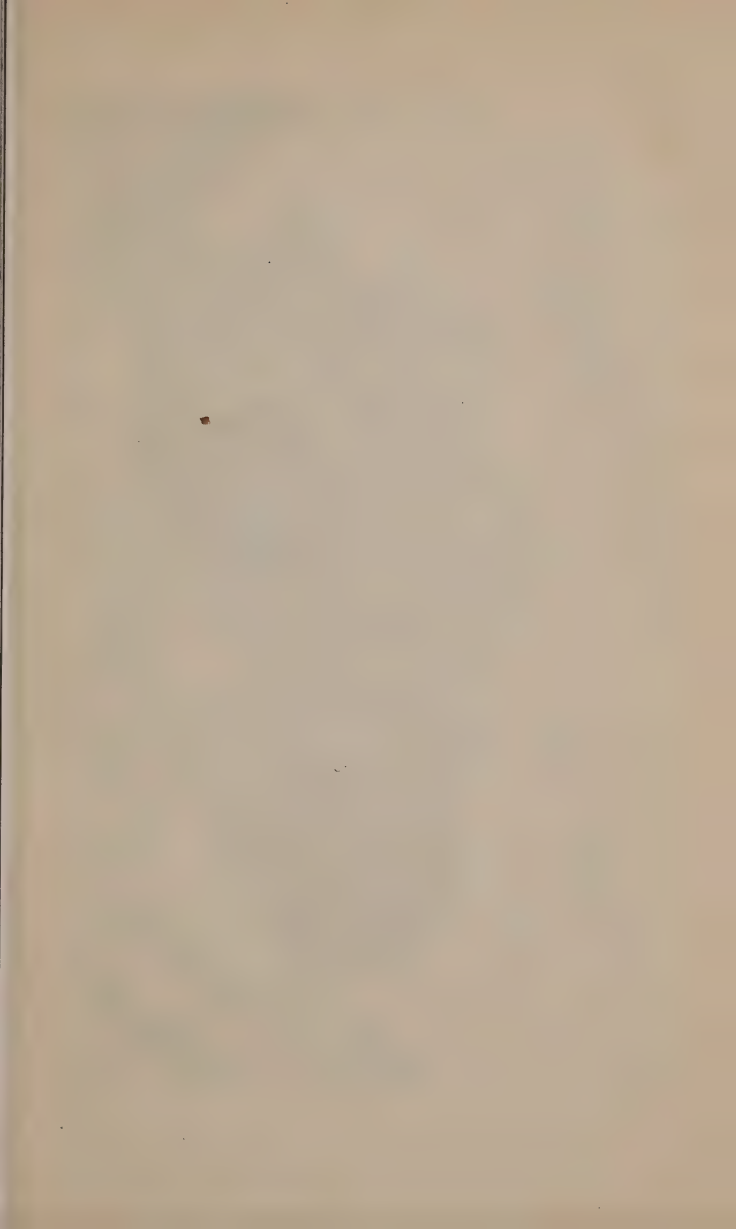
Males,	-	-	122
Females,	-	-	45
Total,	-	-	167

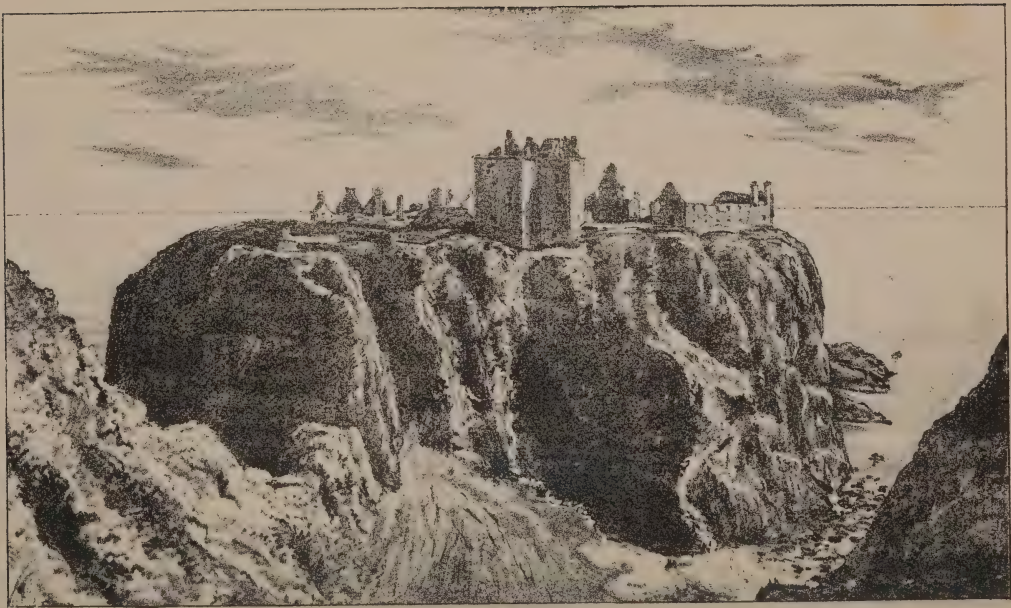
Dunnottar Castle having occupied a conspicuous part in the pages of history, not only from the circumstance of these Covenanters having been immured within its walls, but from other causes previous and subsequent to that event, we shall embrace this opportunity of taking a brief notice of it.

On a stupendous plumb-pudding rock, one hundred and sixty feet high, level on the top, and situated about a mile and a-half to the south of Stonehaven, stand the magnificent ruins of this Castle, occupying a space of three acres. By this situation it forms one of the most majestic ruins in Scotland. From some old papers, still extant, it appears that upon this rock was formerly situated the Parish Church ; and that the fortress was built there during the contest between the parties of Bruce and Baliol, by an ancestor of the Marischal family, who acquired this right upon condition of building a parish church in a more convenient place, which probably occasioned a translation to the present situation. Before the use of artillery, this castle, from its situation, must have been altogether impregnable ; but by the modern art of war could be easily approached and commanded on every side. It is almost surrounded by the sea, and would seem to have been, at some remote period, joined to the mainland by a long narrow neck of rock ; but if ever access to it by this connexion had been possible, art has rendered it as formidable as the most impregnable point of the castle rock.

This point is called the *Fiddle-head* ; from which it is recorded by tradition, that a servant on one occasion, while wheeling dung over the north side of this rock, which is perpendicular, accidentally went over along with his barrow, and falling among the soft dung came to the ground without receiving any injury in his person—only he happened to break his snuff mill,*

* This word seems to us improperly spelt mull, as it generally is by the English. The reason why the Scotch called their snuff-holder *mill*, was this. When tobacco was first introduced, the arts being then in their infancy, among the Scotch at least, each snuff-taker carried about with him a quern or mortar and pestle, the latter shod with iron, with which he ground the leaves into dust,





DUNNOTTAR CASTLE, *FROM THE SOUTH WEST.*

and that on rising and contemplating which, with a strange forgetfulness of the miraculous preservation which he had experienced, he exclaimed, that "it was a pity." The anecdote is perfectly authentic, and there are persons old enough to remember that this stoical and thankless exclamation was long kept up as a proverb in the neighbourhood, to mark any disproportionate regret for a trifling misfortune or loss, it being common on such occasions to observe, "*It is a pity!*" as the man said when he fell over the Fiddle-head and broke his snuff mill."

"Dunnottar Castle," says Chambers, "was built by an ancestor of the Marischal family, about the time of the contest betwixt Bruce and Baliol for the Scottish crown. In 1298, being taken from the English by Sir William Wallace, that celebrated hero, as stated by his historian Blind Harry, consigned it to the flames, along with four thousand persons, constituting its garrison.* It was again fortified by Edward III. in 1336, when that monarch was endeavouring to establish Edward Baliol on the Scottish throne; but Sir Andrew Murray, Regent of Scotland for David II., soon after captured it. For many centuries afterwards, it continued in the possession of the Marischal family as their

as required. Hence was the instrument properly termed *mill*, not *mull*; which latter is a word without meaning, unless it be as following the clumsy pronunciation of our southern countrymen.

* We find in Raphael Hollinshead's Scottish Chronicle, that "*Wallase*, with great hardiness and manhood wan the Castells of *Forfair*, *Dundee*, *Breckin*, and *Montrose*, slaying all such soldiers as he found within them. *Wallase* joifull of this prosperous success, and hearing that certain of the Chief Captiens and officers of those *Englishmen* that kept the Castell of *Dunoter*, were gone forth to consult with other *Englishmen* of the forts next to them adjoining, came sudenlie to the said Castell, and took it, not leaving a man alive of all those whom he found as then within it. Then after he had furnished that hold with his own soldiers in most defencible wise, he went to Aberdeen."

chief residence, without making a particular figure in history. But in the time of the great civil war, it once more became a place of note. The Earl Marischal of that dreadful period was a hearty covenanter. In March, 1645, having immured himself in this fortress, along with a great number of gentlemen belonging to the same party, and, in particular, no fewer than sixteen clergymen, all of whom had fled hither for refuge from the Marquis of Montrose. He was regularly summoned by that celebrated hero to surrender, under pain of being proceeded against as a traitor to the King. Marischal, it is said, was a good deal inclined to come to terms with Montrose; but he was overpersuaded by his garrison of ministers: and accordingly the royalist general lost no time in subjecting his property to military execution. The whole of the neighbouring lands were ravaged; the woods of Fetteresso were burnt; the villages of Stonehaven and Cowie, belonging to the Earl Marischal's vassals, met the same fate; as also the fishing-boats which lay in the harbour of the former port. It is told that, when Marischal saw the smoke ascending on all hands from his property, he betrayed symptoms of strong regret at having rejected Montrose's proposals. But the famous Andrew Cant, who was among the number of his ghostly company, restored his resolution at once to its original pitch of firmness, by assuring him that *that reek* would be a sweet-smelling incense in the nostrils of the Lord, rising as it did from property which had been sacrificed to the holy cause of the Covenantant.

At the approach of the English Army under Cromwell, in 1650, when the Scottish Covenanters had all become modified royalists, Dunnottar was selected as the strongest place in the Kingdom for the preservation

of the Regalia.* It was subsequently beseiged and taken by Cromwell : "† But in the month of March previous to its surrender, Christian Fletcher, wife of the Rev. James Grainger, minister of Kinneff (a small parish church within five or six miles of the castle), who obtained from the English general permission to pay a visit to Mrs. Ogilvy, the governor's lady, secretly removed these precious and time-honoured relics.

In compliance with the scheme adopted by Lady Marischal and Mrs. Ogilvy, Mrs. Grainger took the crown in her lap ; and, on her return, the English general himself helped her to her horse, which she had left in the camp, as the castle cannot be approached on horseback. Her maid followed her on foot, bearing the Sword and Sceptre concealed in *hards*, as they are called, that is, bundles of lint, which Mrs. Grainger pretended were to be spun into thread. They passed through the English blockading army without the Regalia being discovered. From thence she transported them to Kinneff, and put them under the

* Caroli II. 6 Jany, 1651

INSTRUMENTIS takin be the E. Marchell wpoun the producone of the honors wt. his desyre represented to the parliament That the same might be putt in sum part of securitie, His Matie. & parliament ordanes the said Erle of marchell To caus transport the sds. honors to the hous of Dunnottor yr. to be keepit by him till farther ordors.

† Dunnottar Castle surrendered to the English army under the command of Col. Thomas Morgan, on the 24th of May, 1652. This was the last Castle in Scotland which surrendered to the English ; and on the following terms, that Captain George Ogilvy the commander of the Castle, with the Officers and the Soldiers under his command, should have liberty to march furth of the Castle at the hour appointed, with flying colours, drums beating, matches lighted, and completely armed, the distance of one mile, and there to lay down their arms, and have passes to go to their own homes and there to live without molestation, provided they did nothing prejudicial to the common weal.—“Regalia of Scotland,” published by Bannatyne Club.

charge of her husband, James Grainger, who granted to the Countess of Marischal the following authentic account of their secret deposition, dated the 31st of March, 1652 :—" I, Mr. James Grainger, minister of Kinneff, grant me to have in my custody the Honours of the Kingdome, viz., the Crown, Sceptre, and Sword. For the Crown and Sceptre, I raised the pavement-stone just before the pulpit, in the night tyme, and digged under it ane hole, and layed down the stone just as it was before, and removed the mould that remained, that none would have discerned the stone to have been raised at all ; the Sword, again, at the west end of the church, amongst some common seits that stand there, I digged down in the ground betwixt the two foremost of these seits, and layed it down within the case of it, and covered it up, as that removing the superfluous mould it could not be discerned by any body ; and if it shall please God to call me by death before they be called for, your Ladyship will find them in that place."

Here they remained till the Restoration, in 1660, safe in their obscure place of concealment, visited from time to time by the faithful clergyman and his wife, for the purpose of renewing the cloths in which they were wrapt, to save them from damp and other injury. And in consideration of Mrs. Grainger's services, the following act in her favour, was passed on the 11th of January, Sixteen hundred and sixty-one :—" FORASMUCH as the Estates of Parliament Do understand That Christian Fletcher spous to Mr. James Granger minister at Kinneth wes most active in conveying the Royall Honors his Maties Croun Sword & Scepter out of the Castle of Dunnoter immediately befor it was rendered to the English Usurpers. And that be her care the same wer hid and preserved Thairfor the Kings Matie with advice of his Estates of Parliament Doe appoint

two thousand merks Scots to be forthwith payed unto her be his Maties Treasurer out of the readiest of his Maties rents as a testimony of their sense of her service aforementioned." Although payment of this sum was ordered to be forthwith made out of the readiest of his Majesty's rents, still it has been frequently asserted that it was never paid.

As already stated, during the reign of Charles II., Dunnottar was used as a state-prison, chiefly for the confinement of the Covenanters. It was dismantled soon after the civil war of 1715, when its proprietor, George, Earl Marischal, was attainted for high treason, and his lands forfeited, for which cause he went with his brother, James, over to France.* Since that period, the direct line of the family having become extinct, the castle has become by purchase the property of the nearest heir male, Sir Alexander Keith of Dunnottar and Revelston, Knight Marischal of Scotland. Until lately it was the property of Lieutenant Colonel Sir William Keith Murray, Baronet of Ochertyre, in right of his marriage with the late Sir Alexander's daughter ;

* James Francis Edward Keith, Field-Marshal in the Prussian army, and who fell in that service in 1758, was the younger son of William, Earl Marischal of Scotland. He was appointed a commissioner along with the Turkish Grand Vizier to negotiate a treaty of peace between the Russians and Turks, the former of whom he represented. These two personages met, and the interpreters of the Russ and Turkish betwixt them. When all was concluded, they arose to separate ; the Marshal made his bow with his hat in his hand, and the Vizier his salaam, with turban on his head ; but when these ceremonies of taking leave were over, the Vizier turned suddenly, and coming up to Keith took him freely by the hand, and in the broadest Scotch dialect, spoken by the lowest and most illiterate of our countrymen, declared warmly, that " It made him unco happy, now he was sae far frae hame, to meet a countryman in his exalted station." Keith stared with all his eyes ; but at last the exclamation came forth, the Vizier saying, " My father was bellman of Kirkaldy in Fife, and I remember to have seen you, sir, and your brothers occasionally passing."—Anderson's " Bee."

but about two years ago the castle and adjoining land was purchased by Alex. Innes, Esq. of Cowie and Raemoir.

To Thomas the Rhymer, who flourished about five hundred years ago, tradition attributes the following prophecy :—

“Dunnottar, standing by the sea,
Lairdless shall thy land be ;
Beneath the sole of thy hearth-stone,
The toad shall bring her young ones home.”

It has been fulfilled. The lands have been attainted ; and Dunnottar Castle, with all its former pomp and circumstance of war, has long been a desolate uninhabitable ruin, where, but for the occasional visits of the cicerone and party, never a foot approaches to disturb either the repose of the dead that are there interred, or to annoy the winged tenants of the majestic rock on which are reared its time-worn walls. Yet these at the present day are remarkably entire, and appear more like a deserted village than a dismantled fortress. “The battlements, with their narrow embrasures, the strong towers and airy turrets full of loopholes for the archer and musketeer, the hall for the banquet, and the cell for the captive, are all alike entire and distinct. Even the iron rings and bolts that held the culprits for security or for torture, still remain, to attest the different state of things which once prevailed in this country. Many a sigh has been sent from the profound bosom of this vast rock ; many a despairing glance has wandered thence over the boundless wave ; and many a weary heart has there sunk rejoicing into eternal sleep.”*

From the barbarous treatment the covenanters were daily doomed to endure, it was but natural that some, even at the peril of their lives, would attempt to make their escape. So we find that twenty-five of them did

* A Summer Ramble in the North Highlands.

effect their escape from the vault in which they were confined ; two of whom were killed in descending the rock, and the following are the names of fifteen who were recaptured, and subjected to torture ; under which, it is recorded, Alexander Dalgleish and some others expired, and that some never recovered their wounds. Unfortunately this list contains nothing more than their names.

Charles Douglas	Alex. Dalgleish
John Mckqueen	George Johnstone
Patrick Wrie	John Gilfillen
Robert Gilchryst	John Watt
Robt. Mckqueen	John Kinkaid
Walter Mckmame	John Turpine
Wm. Niven	Thomas Russell
Patrick Russell	

To such revolting cruelties were the unfortunate covenanters subjected, for the space of three months, and cheered by no hope of escape from their unrelenting persecutors, that we are not surprised to find that the following thirty males and seven females took the oaths of allegiance and abjuration. But still leaving ninety-two males and thirty-eight females, unshaken by their sufferings, and true to the Covenant.

“ LIST OF THE PRISONERS names in Dunnottar who have tackeine the oathes of alleadgeance and abjuration, and say God save the King.

Mr. Wm. Mckmillen hes subsd. his declaratione sent to Edr.

John Harper in Holywood hes takin the oaths of abjuratione, &c.

Thomas Black Idem

Walter Black Idem

James Junk refused the oathes, but offered the Sheriff of Teviotdail caution for orderlie living

Thomas Patersone in Dundie hes takin the oathes, &c.

Jon Whyt hes takin the oathes

Jon Wallace hes takin the oathe of abjuratione, &c.

William Watestoune hes takin the oathes of alleadgeance,
&c.

Rebert Breyden in Renfrew hes takin the oathes

Jon Robertstone in Glasgow Idem

Pat McYore Idem

James Mckall Idem

Jon Wallet Idem

Quintein Dicke hes sent south his declaratione

Robert Gless, hes takin the oathes

Geo Moorhead Idem

Rot Young in Glasgow Idem

Tho Breaden Idem

William Gilmoor Idem

Rod. Breaden Idem

Jon Breaden Idem

Rot. Barclay Idem

James Coachrine Idem

Wm. Lawtie Idem

Ja Ritchie Idem

James Ore Idem

Ja Glen Idem

Hugh Blair Idem

Rot. Gilmoor Idem

LIST OF WOMEN.

Agnes Hairstaines Margaret Philip

Issabell Howiesone Mart. Lithgow

Mrs. Gairdiner Elspet Whyte."

Agnes Maither

All those whom torture could not make swerve from their principles, and swear the oaths of allegiance and abjuration, and say God save the King, had yet to drink deep of the cup of bitterness. In August they left Dunnottar Castle for Leith, and soon after sailed for America, whither they were banished, under pain of death, if any of them should return to their native country. Many of them never reached the shores of America—about seventy, soon after embarkation, having died of fever—and those who survived had to encounter all the privations and hardships of wretched

exiles. Yet some of them lived to return to their native land at the Revolution ; and to perpetuate the memory of those who had died victims to their cause in Dunnottar Castle, and whose remains were interred in the modern churchyard of Dunnottar, erected a stone over them.

Here we may take the liberty of mentioning that Sir Walter Scott, while spending a day or two with the late Mr. Walker, minister of the parish of Dunnottar, for the purpose of examining the ruins of the castle, and other subjects of antiquarian research in the neighbourhood, first met with "Old Mortality." He was engaged in cleaning and repairing the epitaph that marks the graves of these Whig Martyrs. This stone is held in great veneration by the descendants of the covenanters, as the following anecdote will show :—Mr. Walker, while on a tour in the south of Scotland, unfortunately involved himself in a labyrinth of passes in Lochar moss, near Dumfries, and he experienced no small difficulty in procuring a guide, as all the people he saw were busily employed in digging their peats, a work of such paramount importance to them that none seemed willing to assist him, farther than by unintelligible directions. After stating to a farmer of the better class—who was also engaged in digging his winter fuel—the dilemma he was in, he at first declined acting as guide ; but, on learning, in the course of a short conversation, that he was the minister of the parish of Dunnottar, he eagerly inquired if the monument which was placed over the grave of one of his relations was still in existence ; and being answered in the affirmative, the old man laid down his spade, put on his coat, and guided Mr. Walker out of the moss, to a safe and dry road. Mr. Walker having committed the epitaph to memory, he was able to recite it to his guide, who was so gratified with finding

the memory of his grandfather, or great-grandfather, faithfully recorded among brother sufferers, that, as a recompense for his services, he only requested to be favoured with a written copy of the inscription, which runs thus :—

HERE . LYES . JOHN . STOT . JAMES . ATCHI-
 SON . JAMES . RUSSELL . & . WILLIAM . BRO-
 UN . AND . ONE . WHOSE . NAME . WEE . HAVE .
 NOT . GOTTEN . AND . TWO . WOMEN . WHOSE .
 NAMES . ALSO . WEE . KNOW . NOT . AND . TWO .
 WHO . PERISHED . COMEING . DOUNE . THE . ROCK .
 ONE . WHOSE . NAME . WAS . JAMES . WATSON .
 THE . OTHER . NOT . KNOWN . WHO . ALL . DIED .
 PRISONERS . IN . DUNNOTTAR . CASTLE .
 ANNO . 1685 . FOR . THEIR . ADHERENCE .
 TO . THE . WORD . OF . GOD . AND . SCOTLAND'S .
 COVENANTED . WORK . OF . REFORMA-
 TION . REV. . JJ . CH. J2 . VERSE.

In connection with this inscription, and the list of one hundred and sixty-seven men and women who refused to take the oaths before the Laird of Gossford, on 19th May, 1685, we would beg to offer a few remarks.

On returning to that list it will be seen that, with the exception of *John Stot* and *James Watson*, all the other names on the tomb-stone appear on it, with the word "*dead*" written opposite to each, while the names

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 SON IAME S RUSSELL & WILLIAM BRO
 UN AND ONE WHOSE NAME WEE HAVE
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 NAMES ALSO WEE KNOW NOT AND TWO
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 ANNO 1685 FOR THEIR ADIERENCE
 TO THE WORD OF GOD AND SCOTLANDS
 COVENANTED WORK OF REFORMA
 TION — REV. 11 CH. 12 VERSE

COVENANTERS' EPITAPH, DUNNOTTAR.



GRAINGER'S EPITAPH, KINNEFF. Taylor & Henderson Litho
Aberdeen.

of those two individuals do not appear in it at all. Why they should not have been included in the list, it at first strikes as somewhat unaccountable, and we are apt to doubt its entire accuracy. But on the authority of *Wodrow*, who informs us that "several of their friends who came to visit them were made prisoners," we at once conclude, that they had been of that unfortunate number. Consequently, their names could not appear in the list of those that were sent from Burnt-island, and who arrived at Dunnottar Castle on the 24th May, 1685. If a list had been kept of those who were seized on going to visit their friends while confined in the castle, we have been unable to discover it.

This stone having been erected some considerable time posterior to the events which it bears to record, and the only information to be obtained of the names of those who died in the castle having, very likely, been afforded by those who were liberated on taking the oaths of allegiance, &c., or from the few who outlived their exile and returned to their native country at the Revolution, and who had had but a faint recollection of some of their fellow-sufferers, we are easily reconciled to the imperfect state of the epitaph. But from the correspondence of names, between it and the list, they appear to have been very correct in what they have recorded; and the names which they could not then ascertain, we think we are now enabled to supply.

Holding that *John Stot* and *James Watson* were of the number of those who were made prisoners on going to visit their friends in the castle, and who had died in it, it is not improbable that they had been interred in the castle churchyard.* But let us collect from the list the whole number of "dead" in it, viz. :—

* The soldiers received the dead corps, and disposed of them as they pleased: for none of their fellow-prisoners were allowed to see them interred.—*Wodrow*.

William Broun

Ja Russell

*John Whyt**Wm Breadie*

Ja Atchison

*Marie Gipsone**Jeane Muffet*

Now, we find on looking at the inscription on the tomb-stone, that only the first, second, and fifth names above noted, are there recorded ; but mention is made of two men and two women, "whose names we know not." So with some degree of certainty, we infer that the remaining four, namely, John Whyt, William Breadie, Marie Gipsone, and Jeane Muffet, are the individuals here alluded to, and which agrees in gender and in number with those recorded on the tomb-stone, and disposes of the whole in the list whose names have the word "dead" adhibited to them.

Whether we have thus satisfactorily made out that the ashes of those whose names we have just mentioned, repose in this shrine of whig martyrs, we leave it for our readers to determine. But we say, peace to their memory rest where they may. They espoused a glorious cause, and its righteousness ensured its ultimate triumph. It was their lot to endure privation, cruelty, and death, and now it is ours to reap the fruits of that tree which they planted with their broad-swords, and watered with their blood. Many of them left this world in bitter agony ; but the justness of the cause for which they contended gave them fortitude in the hour of trial, till at last, in the language of the verse referred to on the tomb-stone, "They heard a great voice from heaven, saying unto them, come up hither, and they ascended up to heaven in a cloud ; and their enemies beheld them."

PERSECUTION OF EPISCOPACY.

“ Stone walls do not a prison make,
Or iron bars a cage ;
A free and quiet mind can take
These for a hermitage.”

LOVELACE.

IN 1746, when the Duke of Cumberland, with his army, was marching to Culloden, he halted at Stonehaven, and took up his quarters with John Young, Esq. of Stank, Sheriff of the County, who resided in a house of three stories, a little to the east of the *Oldtown steeple*, and on the same side of the street with it. Over the then principal door, is a large stone, said to have been taken from the Castle of Dunnottar, with the Earl Marischal's arms cut on it. This had been a rather elegant abode in its day ; since then it has undergone some rude alterations and additions, and is now occupied by less important personages.

At this time the Duke ordered his soldiers to set fire to the Episcopal Chapel, because the minister and the greater part of his hearers embraced the cause of Prince Charles—and here we may remark that there were very few who attended the parish church of Dunnottar, there being not above a dozen of Presbyterians in the *Oldtown* at this period. Sheriff Young having prevailed on his guest not to destroy the building, it was spared ; but the pulpit and all the seats or pews that were in it, were taken out and burned on the High Street in front of the chapel. Those who had fitted up seats for themselves, considering them private property, and antici-

pating the danger that would follow the Duke's visit, removed them from the chapel, and concealed them in their dwelling houses; but the soldiers having found them out, they were committed to the flames along with the rest. Thus was the chapel for a time entirely gutted, and, "to what base uses may we come," it was unceremoniously converted into a stable for the King's cavalry. The chapels of Muchalls and Drumlithie were at the same time entirely razed to the ground, and the ministers were obliged to resort to such places as they could find accommodation in to preach to their followers.

From the following document it will be seen, that persons from almost every quarter in the county were examined before the Sheriff, to give evidence as to whether they had heard or knew of divine service having been performed by any minister of the Episcopal communion, since the first of September, 1746. The object of this was to bring to punishment not only the hearers, but those pastors who had not taken the oaths of allegiance, &c., to the king, hence called *non-jurors*, and who continued to pray for the Prince, and not for his Majesty King George and his successors, which by Act of Parliament was declared penal.

"At Stonehyve the thirty first day of October One thousand Seven hundred and forty Six years, In presence of John Young, Esquire, Sheriff-Depute of Kincardineshire.

"The following witnesses appeared this day to give their oaths upon the number of the Episcopal meeting-houses within the said County, in terms of Act of Parliament *Anno decimo nono Gèorgij secundi Regis*, Intituled an Act to more effectually prohibit and prevent pastors or ministers from officiating in Episcopal

meeting-houses in Scotland without duly qualifying themselves according to Law : and to punish persons for resorting to any meeting-houses where such unqualified pastors or ministers shall officiate, viz. :—

James Simpson, Gardener, at Arbuthnott,
 George Glegg, in Boghall,
 Alexander Kemlo, millar at Arbuthnott,
 Robert Brand, in Kinmonth,
 Thomas Ley, in Drumlethie,
 William Thomson, in Drumlethie,
 James Beattie, younger, Drumlethie,
 John Beattie, at Powburn,
 Peter Clark, at Mill of Halkerton,
 John Beattie, at Mill of Halkerton,
 David Taylor, in Killhill,
 Mr. John Anderson, in Marykirk,
 James Anderson, mason, Marykirk,
 Robert Christie, in Arnhall,
 Robert Ogelvie, Merchant, Arnhall,
 Alexander Robertson, Merchant in Stonehyve,
 William Walker, Wigmaker, Stonehyve,
 George Selbie, Wright, Stonehyve,
 James Blaber, Shoemaker, Stonehyve,
 David Robertson, in Monthgatehead,
 John Masson, in Petiot,
 Andrew Gordon, in Cookrey,
 William Wyllie, in Contlahill,

Who being all solemnly sworn, and each of them interrogated whether or not they knew if there was any Episcopal meeting-house, or meeting, assembly, or congregation, within the shire of Kincardineshire where five or more persons did assemble or meet together to hear divine service, over and above those of the household in any house where a family was inhabiting, or if there was any house or place within the said shire not inhabited by a family where any such five or more persons did assemble and meet together to hear divine service, and where divine service was performed by a pastor or minister, being of, or

professing to be of the Episcopal communion, since the first day of September last, They all deponed negative, and that was the truth as they should answer to God.

(Signed) JO. YOUNG."

In the course of two years however, we find that Mr. Alexander Greig, Episcopal preacher in Stonehaven; Mr. John Petrie, Episcopal minister at Drumlithie; and Mr. John Troup, Episcopal minister at Muchalls, were, on the fifth day of December, One thousand Seven hundred and forty-eight, tried at Stonehaven, before John Young, Esquire of Stank, Sheriff-Depute of Kincardineshire.

CASE OF ALEXANDER GREIG.

"Richard Shaw, corporal in General Blaikney's Regiment, a witness cited for the prosecution—Deponed, that in January last, being a sunday, he went into a house on the south side of the High Street, Stonehyve, by order of Lieutenant Marks Weeks, and enquired if there was an Episcopal meeting in that house; That he did not know the principal possessor of the house, but that he had heard it frequently go under the name of the meeting house: And that several sundays before that time he had seen people resort to it as he thought to hear Divine Service: That when he went into the house, there were convened in one room, about forty persons, young and old, and in the same room there was a closet in which he saw Mr. Greig standing, in an Episcopal habite, with a book in his hand on which he was reading, and he heard him in the reading, several times make mention of St. Paul the Apostle: There was only two women with Mr. Greig in the closet, and that the door thereof was open to the room: That the above forty persons did hear, or were within the hearing of, the said Mr. Greig, at the time he was

reading on a book, as already mentioned, and after being dismissed he saw them go to their different houses.

“Alexander Carr, soldier in General Blaikney’s Regiment, a witness cited for the prosecution—Deponed, that he went in along with the preceeding witness, to a house on the south side of the High Street of Stonehyve, part of which, as he is informed, is possessed by one Cushney, where he saw about forty persons, young and old, met in a room, and Mr. Greig standing in a closet within the room (the door of which closet was open), in a black gown with a band about his neck, and a book in his hand, on which he was reading in the form of divine service, where those in the room saw or might see him reading : that Mr. Greig said to him it was his own room.

“Richard Bridewell, soldier—Deponed, that on sunday last, he went to the house on the south side of the High Street of Stonehyve, the lower shop whereof, is occupied by Peter Cushnie, and concurred with the preceeding witnesses ; and farther deponed that Mr. Greig is reputed by the people in Stonehyve to be a minister of the Episcopal communion.

“William Coupar, tailor, in Stonehyve—Deponed, that on several sundays in the months of December and January last, he has seen convened and met together, in the next room to Mr. Greig’s, more than five persons over and above the household, which room was possessed by Jean Stiven, for the purpose of hearing divine service ; and that they heard or were in the hearing of Mr. Greig, who was in a closet within his own room ; He did not see him, but he knew him to be the preacher by his voice, and those in Jean Stiven’s room made responses to him in the time of prayers. That he has heard Mr. Greig perform the whole of divine service after the form of the church of England, and he never heard him pray for His Majesty by name,

his Heirs or Successors, and all the Royal Family. That betwixt the doors of the two rooms there was a plate or bason, in which the persons convened put in offering in money, intended for the use of Mr. Greig.

"William Middleton, baker, Stonehyve, concurred with the preceeding witness.

"James Officer, shoemaker, concurred with the preceeding witness.

"The public prosecutor having declared his evidence concluded, craved sentence against the panel. And Mr. Greig craved absolvitor in respect that the whole witnesses were *socii criminis*, in so far as they were guilty of offence themselves on the statute libelled, as being undue hearers at the times and places libelled, which subjected them to the penalty of five pounds sterling, and consequently were gainers or losers by the cause, and that they did not inform within five days, and were there without his approbation or knowledge.

"It having been answered by the Procurator-Fiscal that these witnesses were not *socii criminis*, nor could they gain or lose by the event of the cause, and that a witness cannot be cast unless he prove a crime against himself, which has not been done in this case, although they were undue hearers as asserted by Mr. Greig, which the Procurator-Fiscal knows nothing of; The Sheriff found that they had all been competent witnesses, and continued the cause."

CASE OF JOHN PETRIE.

"James Dickson, in Kinmonth; James Campbell, at mill of Glenbervie; and Robert Murray, at Stripends, gave similar evidence as to Mr. Petrie having preached in his house at Drumlithie; and Mr. Petrie stated the same objections to the witnesses, as that urged by Mr. Greig, which were over-ruled."

CASE OF JOHN TROUP.

“After the examination of John Thom, in Elerick ; James Silver, in Cookney ; and James Crombie, in Blackhills ; whose evidence was similar to that given by the foregoing witnesses, as to Mr. Troup having preached in his house at Muchalls. He craved to be acquitted on the same ground as that which had been adduced by Mr. Greig and Mr. Petrie, but which was rejected.”

We have been unable to discover any written evidence of the sentence pronounced against these gentlemen, but we have unquestionable authority for stating that, during the winter of 1748-49, they were confined for the space of six months in the Tolbooth of Stonehaven, which was once used by the Earl Marischal as a store-house, and is situated on the north quay of the harbour. Here the Sheriff held his courts, and the county gentlemen their meetings. 'The lower part of it is now converted into lime cellars, and the upper part into granaries. During the period of their confinement, they received every attention from their followers, who “contrived to convey plenty o' a'thing to them.” Here they managed to perform the ceremony of baptism ; and those who called on them frequently joined in divine service ; but this being contrary to the jailor's instructions, it of course could only be done, as it were, by stealth.

We have not heard of more than two persons having been baptised by Mr. Greig, and none by Mr. Petrie ; but Mr. Troup is supposed to have baptised a considerable number ; for the fishermen's wives, from Skateraw, were often to be seen trudging along the sea-beach with their creels on their backs, in which were carefully concealed the unconscious bantlings that were

to be secretly presented at the baptismal-font. After wading at the "*Water-Yett*," the conjoined streams of the Carron and Cowie, which could only be done on the reflux of the sea, they had to clamber a considerable distance among rugged rocks before reaching the back stair of the Tolbooth, where they had to watch a favourable opportunity of approaching the cell of their pastor. After the child was baptised, the mother again carefully depositing it in her creel, returned by the same route.

On their liberation from prison, they returned to their respective abodes, and preached to their followers in private houses. Mr. Greig preached for many years in the house commonly known by the name of Major Thomson's House, and which forms the west side of the "*Water-Yett*," the upper story of which was fitted up for the purpose of public worship. This section of the Episcopalians (the Prince's party) afterwards built a chapel in Cameron Street, which, on matters having been arranged with the other division (the King's party), was sold, and the price applied in repairing and making additions to the chapel in the High Street.*

Matters now went on more smoothly with the Episcopalians ; but some of the Prince's party still retained a feeling in his favour, which was apt to display itself, even on the most solemn occasions. When the pastor, in his prayers, mentioned the name of King George, and his heirs and successors, the Royal Family, &c., symptoms of discontent were frequently manifested ; and a woman of the name of Eppy Bisset, "always rose

* Since the former chapel was sold, it has been doomed to witness various scenes. Here the gentlemen of the sock and buskin did often fret and strut their hour for the amusement of the inhabitants of Stonehaven ; and the Bank of Scotland, in March, 1825, first opened a Branch of their Bank, under the superintendence of William Stewart, Esquire of Hilton. It is presently the property of Sir William Keith Murray, Baronet, and is occupied by his gamekeeper.

and haughed and spat, and left the chapel, uttering words I canna weel mention." It is farther recorded, by tradition, of this staunch female Jacobite, that when she beheld the last of the Earls Marischal on the High Street of Stonehaven, on his return to Scotland, for the purpose of visiting the estate of his ancestors, after he had made his peace with the reigning powers, she exclaimed, "Ah, waes me, has he swallowed the *gol-lachie*;" that is, taken the oaths to government.

The following is the appointment of Mr. John Watt to be minister of the Episcopal meeting-house in Stonehaven :—

"At Stonehaven, the nineteenth of January, one thousand seven hundred and fifty one years In presence of John Thaine Esquire Sheriff Substitute of Kincardine, Compeared Mr John Watt minister of the Episcopal meeting-house Situate in the town of Stonehaven parish of Dunnottar and county foresaid, and produced Letters of Orders granted to him by Martin Lord Bishop of Gloucester : And also produced a certificate of his having qualified himself, as minister of the Gospel at Stonehaven, before the Lords of Council and session, and desired that the said Sheriff would admit that the said Letters of Orders and certificate be registrate in a book to be kept for that purpose, in terms of the Act of Parliament made in the nineteenth year of his majestyes Reign, which the Sheriff ordered accordingly, and ordained copies or extracts of the said letters of orders and certificate to be transmitted to the clerk of each house of Parliament, whereof the tenor follows viz.—We, Martin, by divine permission Lord Bishop of Gloucester made known to all men That on Sunday the Twenty-eight day of October in the year of our Lord one thousand seven hundred and fifty in the sixteenth year of our consecration publickly celebrating

holy orders with God's help in the chapel within the castle at Durham have for the use and service of our Episcopall Congregation at Stonehaven in Scotland who have requested of us to ordaine, and have promised to maintaine as their pastor John Watt of Marishall Colledge in Aberdeen admitted to the sacred order of Deacon according to the manner and Rites of the church of England the aforesaid John Watt being well recommended to us for his moralls piety knowledge and Loyalty and approved of as sufficient in point of Learning by our examiner the Reverend Dr Sharp Archdeacon of Northumberland, He having first taken the oath for renouncing all manner of foreign Jurisdiction power and authority and the oath of alledgiance and fidelity to our Lord the King and subscribed to the three articles contained in the thirty six canon of ye Church of England and that we have accordingly and Canonically ordained him Deacon. In witness whereof we have caused our Episcopall seall to be hereunto affixed the day and year above written (So Signed) M (LS.) Glocester."

Certificate.

"By the tenor of these presents, We Joseph by Divine providence Bishop of Durham make known unto all men that on Sunday the twenty second day of September in the year of our Lord One thousand seven hundred and fiftyone solemnly administering holy orders under the protection of the Almighty in the Cathedral church of Durham, have, due regard being had to the nature and necessity of the Case, for the service of an Episcopall congregation at Stonehaven in north Britain, at their request and upon their promise to maintain as their pastor John Watt of the Marishall Colledge in Aberdeen admitted to the sacred order of PRIESTS according to the manner and Rites of the Church of

England, the aforesaid John Watt being well recommended to us for his morals piety knowledge and Loyalty and approved of as sufficient in point of Learning by our Examiner the Rev. Dr Sharp Archdeacon of Northumberland and having first taken the oaths for renouncing all foreign Intrusion power and authority and the oath of allegiance and fidelity to our Lord the King and subscribed the three articles contained in the thirty sixth canon of the Church of England and that we have accordingly duely and canonically ordained him Priest In testimony whereof we have caused our Episcopall Seall to be hereunto affixed the day and year above written in the thirteenth year of our Consecration and of our Translation the first."

CRIMINAL TRIALS.

“The charge is prepared, the lawyers are met,
The judges all ranged—a terrible show.”

BEGGARS' OPERA.

PREVIOUS to the year 1600, the Sheriff held his courts at Kincardine, a small hamlet consisting of two or three thatched houses, occupied by a few farm servants, the miserable remains of the former County town; but which boasts of having given its name to the County. It is situated about two miles to the east of Fettercairn, and within a few yards of the ruins of the ancient castle of Kincardine.*

It is said by tradition, that the court was removed from this inhospitable place in consequence of there being neither food for man nor beast at it. We find other reasons however, in the Act of James VI., A.D. 1600, for removing the court to Stonehaven, or, as it is there, and in other old Scots Acts, called “*the*

* There once were two small farms, or crofts, at the east and west ends of Kincardine, within half a mile of each other, called the East and West Ports, which had taken their names, probably from the circumstance of their having originally been entries to the town. Other two crofts, the Cross and Chapelton, lay contiguous to the Ports; and it is supposed that on the former, the same market-cross which at present stands in Fettercairn, was erected: and on the latter, there is a churchyard, and the foundation of a chapel is still visible in it. Although it has long ceased to be a place of interment, and is now clad with shrubbery, there are persons alive who remember having seen people buried in it. On these occasions, it was customary for the bellman of Fettercairn to walk in front of the funeral procession and toll his bell, there being neither church nor bell at Kincardine.

Stanehyve,”* We shall here quote the Act removing the court to Stonehaven :

“OURE SOURANE LORD and Estaitts of this pnt pliamet Understanding the great preudice sustenit be ye lieges of this Realme quhair the Judgemet saittis of Shreffs and vtheris Judges ar not so comodious nather in bigging nor in situation As the Shreff vtheris Judges and thar deputis may resoirte thairto And specialie that the Schiref of the Mernis alias Kincardine and his deputtis hes bene in use thir mony zeris To sitt at Kincardin quhair thair is nather ane tolbutth nor any hous to pairties to ludge Into for thair Intertenemet Nor zit is the place in the Middis of the Schire Quhairby the lieges within the said Schirefdome ar greatulie damnifet ffor Remede qrof it is statute and ordanit that the Schireff of the schirefdome of Kincardin in all tyme to cum sall sitt and hald their courtis at the Stanehyve as maist meit & conveniet to thame and to the haill lieges within the schire And that all pairteis within thair Jurisdiction, sall be to warne all pairteis within thair Jurisdiction To compeir to persew and defend in thair courtis at the Stanehyve in all tyme heirefter.”

And in November, 1607, “His matie and Estaittis Decernis statutis and ordinis the said Curt of Stanehyve and marcat croce thair of to be in all tyme cumig the heid Curt of the said shrefdome of Kincardin.”

The Earl Marischal’s store-house, already alluded to,

* The town seems to take its name from a remarkable rock or *stone* which stood in the middle of the harbour, called “*Craig my care* ;” which tradition reports to have been once so high, that sea birds built their nests on it, while women were in the practice of sitting on the lower part and weaving their *shanks* or stockings. But being composed of particularly good material, it suffered by the encroachments of quarries till it was reduced to a level with high water, and at last, when the new pier was erected, was, by order of the engineer, as we think, very improperly (it acting as a natural bulwark against the sea, which can never be restored), ordered to be blown out entirely.

was fitted up for the purposes of a Court-house and Tolbooth, where the court continued to sit until about the year 1767, when it was removed to its present site.

It would appear, from a representation of Jurymen to the Sheriff, on the trial of a John Couley, that courts had been held in the present building before it had been completely finished. This trial commenced on the 29th day of December, 1767, and it being past one o'clock of the following morning before the proof was concluded, Sir William Ogelvy, of Barras, chancellor of the jury, stated to Sheriff McDonald, that, "It being both frost and snow, and the Court-house being very open, and no place or apartment therein, in a condition to burn fire in, it would be impossible for them to inclose in the said court to consider of the proof, and give their verdict without imminent hazard to their healths. They craved the Sheriff to allow them to be enclosed in any place in the neighbourhood. The Sheriff ordered them presently to pass from the Court-house under the inspection and guard of an officer of court, to the house of Mrs. Logie, at Mill of Stonehaven, and to return their verdict by ten o'clock forenoon."

None of the Records, previous to the removal of the Court to Stonehaven, appear to have been preserved. And the oldest record of Criminal trials, which we have discovered, since its removal, is that with which we have commenced, in 1698.

These trials we give to the reader without comment, either on the unfortunate malefactors themselves, or on the crimes of which they had been guilty; many of whom, long past the memory of man, have publicly expiated their guilt on the gallows, and their dust lies in awful repose at its foot.* We shall only remark

* The gallows was erected on the top of a piece of rising ground immediately between the mansion-house and the garden of Dun-

that they point to the barbarism of the times, note the spirit, legal cruelty, and but too specious wisdom of our ancestors in criminal jurisprudence.

ALEXANDER GILL.

1698, 6 *March*.

The which day, there being a boy apprehended and sent prisoner to the Tolbooth by John Carnegie, at the Mill of Conveth, whom he and his millart had apprehended in his mill after he had broken a hole in the gable of the said mill on Friday last, at night, and had filled his pock full of meal which he had taken out of a sack then standing there, and whom they took with the fang : And on Thursday last, the said John Carnegie alleged he had taken some more meal that night. Which boy being prisoner in the Tolbooth of Stonehaven, and being called and convened before the Sheriff-Depute, and being examined in the said matter, did acknowledge and confess, that his name was Alexander Gill, son to the deceased Michael Gill in Barrack in the parish of Newdeer, that his mother was dead. And confessed that the said John Carnegie and his millart at the mill of Conveth had taken him when he had broken the said mill, and that on Friday night he had two pecks and a half of meal out of the said mill, which he had thrown down in the trough, during the time they were opening the doors, thinking to deny the same, and to make his escape. And likewise confessed that, having come to Andrew Renny's house in Strait Craigs of Garvock, a weaver there, on Wednesday last, in the evening, and having lodged there all night, the said Andrew Renny

nottar. Not many years ago, when workmen were employed in digging pits for the trees which cover the hill, they discovered quantities of human bones ; which there can be no doubt, had been the remains of the unfortunate malefactors, who were buried at the foot of the gallows.

told him that he would get meal very easily taken out of the said mill, and told him that a boy, John Renny, his son, had been there and taken out some meal out of the said mill before, and desired him to go with his son to-morrow being Thursday, and accordingly his son and he went there on Thursday night last, and entered at the bridge-window, and both filled their pocks full of meal out of a sack standing there, and carried the same home to Andrew Renny's, and that the said Andrew Renny desired him to go again and steal more on Friday night last, which he did, and was then apprehended as above mentioned. And declares that he cannot read nor write—and that he knew not the said mill, nor the way to enter, till he was told of it, and the son pointed out to him the way he had entered before, and denies that he ever committed any other theft. Banished the shire for ever.

WILLIAM CLARK AND OTHERS.

1698, 17 *March*.

William Clark at Nether Mill of Balmain, Isobel Dunbar his spouse, Jane Clark their daughter, John Bruce, James Aikenhead, Elspet Hampton, and Isobel Walker their servants: Janet Baine at the said mill, Thomas Greig her son: David Croll in Fettercairn, Elspet Clerk his spouse, Euphemia Croll their daughter: Alexander Scott in Harvistoun-muir, Euphemia Clark his spouse, Margaret Cook, and Janet Gentleman their servants: and Mr. David Clark, incumbent at the Kirk of Fettercairn, summoned to answer for their unchristian, illegal, and masterful troubling and molesting Mr. Francis Melvill, minister at Arbuthnott, upon the 13th February last, in the Kirkyard of Fettercairn, being the Sabbath day, when he was bussied about divine service And declaring the said Kirk of Fetter-

cairn vacant. And putting violent hands on the said Mr. Francis, beating and blooding him with stones, rending his clothes, and keeping up by themselves and others in their names, of their causing commanding and ratihabition of the keys of the said Kirk door, and committing wicked insolencies by word and deed in proud and manifest contempt of the Laws of the Kingdom made in the conterar. The saids Isobel Dunbar, Jane Clark, John Bruce, Alexander Aikenhead, Elspet Hampton, Isobel Walker, Janet Baine, Thomas Greig, Elspet Clerk, Euphan Croll, Euphan Clark, Margaret Cook, and Janet Gentleman not compearing were amertiate *in pœnam contumatiæ*, ilk one of them, in the sum of ten pound scots: And also the said Elspet Hampton, Isobel Walker, Janet Baine, Thomas Greig, Margaret Cook, and Janet Gentleman, being again summoned and not compearing were declared fugitives and their goods escheat: And the haill remanent Defenders also being again summoned, and deponing in the said matter, by virtue of the Sheriff's Interlocutor, and the matter being continued to this day the Sheriff absolved the said William Clark, Isobel Dunbar, Jane Clark, John Bruce, James Aikenhead, David Croll, Elizabeth Clark, Euphan Croll, and Alexander Scott, from the crime libelled of putting violent hands upon the said Francis Melvill, on the said Sabbath-day, or then troubling or molesting him or hounding out any person against him: And also he amertiated and fined the said William Clark and Alexander Scott, ilk one of them, in the sum of fifty pound Scots money for harbouring and resetting the persons after named, after they had committed the foresaid riot; And ordained the said William Clark with all diligence to apprehend and bring before the Sheriff the said Elspet Hampton, and Isobel Walker, his servants, Janet Baine his subtenant, and her son: And ordained the said Alexander

Scott to apprehend and bring to him the said Margaret Cook, and Janet Gentleman, his servants, under the pain of fifty pound for each of them : The Sheriff likewise absolved the said Mr. David Clark from troubling and molesting the said Mr. Melvill in manner libelled, and yet, nevertheless, amerited and fined him and the said William Clark, and his father for his interest, he being in family with him, in the sum of fifty pounds Scots, for keeping up the keys of the said Kirk door.

WILLIAM WALKER AND OTHERS.

17 *March.*

William Walker in Bervie, and Margaret Scott his wife ; William Walker, and Margaret Hogg there ; Robert Smith in Mill town, and Isobell Gady his spouse ; Robert Clark at Mill of Haulkerton, and his spouse ; William Milne in Hill of Haulkerton, and Margaret Mitchell his spouse ; John Robertson in Johnshaven, Christian Williamson, James Martin there, and Margaret Craigie his spouse, were all of this date summoned to underly the law at the instance of Robert Keith Procurator fiscal of the County of Kincardine, for selling meal by measure, and not by weight, as being contrary to the Act of Parliament. Were all fined.

ARTHUR ROBERTSON.

March 31.

Arthur Robertson in Kirkside, summoned to underly the law for his violently offering to strike Robert Glenney in Tullos, and Walter Cumming servitor to the minister at Nigg, with a drawn dirk under cloud of night, in his drunk humour. Dismissed from the bar, there being no evidence against him.

MARGARET THOW.

April 7.

Margaret Thow in Knowgreens, summoned to underly the law for spoiling, robing, and away-taking a pirn, and breaking a lint wheel belonging to Isobel Carnegie in Balmanno. Failed to appear—was declared fugitive.

WILLIAM GABRIEL.

April 7.

William Gabriel in Hirne, summoned to underly the law, for his wrongfully detaining and keeping up of waiffe moor, for the which, he cannot give burgh and household. Fined.

JOHN STRACHAN.

April 28.

Mr. John Strachan, minister at Strachan, and his spouse, being personally summoned to underly the law at the instance of the Procurator Fiscal, for their illegally and violently taking a Bond granted by the said Mr. John to the Kirk Session of Strachan, out of the Kirk Box thereof, containing the principal sum of Three hundred and eight merks or thereby, bearing a rent; and putting in another Bond not bearing a rent, and they not compearing were amertiate in *pœnam contumacie*.

ALEXANDER CRUICKSHANK AND OTHERS.

31 May.

Alexander Cruickshank in Little Banchory, Robert and James Cruickshank his children, summoned to underly the law, for beating, blooding, and dragging

Jane Darge, in Little Banchory, through the gutter, and threatening to put her in the Joughs: And at last, taking her prisoner, carrying her to the church of Banchory, and there tying her within the same, and locking her within the church, affrighting her out of her wits. Alexander Cruickshank amertiate in the sum of £50 Scots money for himself and his bairns, and four pound of Ascythment modified to the party injured, and ordained to pay ilk ane of the witnesses himself.

GEORGE KER.

7 June.

George Ker in Easter Migrie in Cromar, apprehended with the fang, and confessed that he did steal from John Blews in Johnshaven, three killings; and went into the barn of John Greig there, by creeping under the back door, and did steal a peck and a half of pease. Ordained to be scourged through the town—Banished the shire, and his goods escheat.

AGNES WILLOCK.

July 8.

Agnes Willock, Balmaino, being summoned to underly the law, for stealing of kail from Hercules Calander, Gardener at Kirktonhill, and not compearing, was declared fugitive, and her goods escheat. John Auchinleck protested for remeid of law.

JOHN COWIE.

8 July.

John Cowie in Faskie, summoned to underly the law, for stealing, cutting, and away-taking, under cloud of night, several young trees out of the plantation of

Faskie, belonging to the Laird of Balmain : And for stealing a certain quantity of bear belonging to the Laird of Thornton. Failed to appear—was declared fugitive, and all his moveable goods declared to be escheat.

WILLIAM SPENCE.

23 *July*.

William Spence Cottar in Knock, apprehended with the fang, was incarcerated, and confessed that he did steal a hen and three chickens in the night time out of the henhouse of Mr. James Gordon of Ardoch. Banished the shire, and his goods escheat.

ROBERT MONCUR AND JAMES WEBSTER.

23 *July*.

Robert Moncur, Servitor, to James Webster alias Thomson, in Gallowtoun, and the said James, being summoned to underly the law at the instance of the Fiscal, and Mr. John Milne, Parson of Fetteresso, party grieved, for his interest, for stealing and away-taking of peats belonging to the Parson, furth of the Hill of Clachensheils ; and the said Robert Moncur compear- ing and confessing, that he took some of the pursuer's peats, and offering to give as many back, the Sheriff amertiated the Defenders in ffive pounds Scots, and ordained them to lead to the minister's stack-hill at his own house, four cart fulls of peats, or pay six shillings Scots for each cartful thereof.

WILLIAM ROSS.

16 *August*.

William Ross, in Gillen, apprehended for stealing a

sheep on the Sabbath-day, confessed the same, and was ordained to be scourged through the Town, and his wife and bairns banished the shire, and his goods escheat.

WILLIAM FALCONER AND SON.

23 *August.*

William Falconer, elder, and William Falconer, younger, in Nether Crigie, summoned to underly the law, for breaking the oven of Glenbervie, and taking out thereof, a batch of bread, consisting of the number of four score loaves. Failed to appear, and were declared fugitives, and their goods escheat.

JOHN SHERRET.

23 *August.*

John Sherret, Cordiner, Crawton, was apprehended and incarcerated, and confessed that upon Thursday night last, he did steal two half hides out of the bark fatt of Andrew Cruickshank in Crawton, his neighbour ; and Christian Ker, his spouse, was summoned to underly the law for being art and part of the said crime. The Sheriff-Depute found the said John Sherret guilty of the said theft, and ordained his haill moveable goods and gear to be confiscated, and took his punishment to farther consideration, and ordained him to be re-committed to the Thief's-hole, till the Sheriff gave his final sentence thereanent. Christian Kerr failing to appear was declared fugitive.

ROBERT BALFOUR.

30 *August.*

Robert Balfour, Gardener, Crathes, was summoned and not compearing to underly the law, for his cruelly, unmercifully, mortally beating, blooding, and wounding

John Thom in Drumshalloch, in his head, of the which he is lately dead, was declared fugitive, and his haill goods escheat.

MARGARET SMITH.

30 *August.*

Margaret Smith in Tanachay, in the parish of Birse, daughter to the late Robert Smith, in Longholm, confessed that she did break into the house of Peter Mathew, Kirktown of Fetteresso, on two several nights, and did steal and take away out of the same, six fourteen-shilling pieces and a ten-pence glass bottle, three linen mutches, and two brow bands. Was ordained to be whipt through the town of Stonehaven, burnt on the cheek, banished the shire, and her goods escheat.

KATHERINE AND WILLIAM HAMPTON.

1699, 6 *February.*

Katherine Hampton, late servitor to George Austine, and William Hampton her brother, apprehended by Magnus Lichtone, at Sharps, imprisoned, and confessed that upon the 27th day of January last, the said William Hampton went in at a window of the Lady Urie's house in Springhall, and they both in the night time did steal away a burden of clothes, napery and sheets, two tailzies of beef, stuff peticoat and gown, and other things—all which, her brother gave her out. And that upon the 4th day of January last, they both did steal out of the house of William Shepherd, in Findon, in the evening, several pieces of plaiding, sheets, covering, and a servant's coat, with several other small things; and that before that time he had stolen some fowls out of the same house, and carried and

sold them in Aberdeen. She declared that she served David Milne in Fettercairn last winter, and William Moris in Balmain—and that before that she served David Austin, and kept his child ; and had haunted the house of Margaret Fraser in Spithill, from whom she got a pair of plaids. The Sheriff appointed the boy to return to the school, and for the present dismissed him in respect of his tender age, and his promising never to do the like again : And ordained the said Katherine Hampton to be scourged through the town, burnt on the shoulder, and to stand in the Jougis ane hour.

JANET FORBES AND JAMES ROSS.

6 *February.*

Janet Forbes, relict of William Forbes sometime in Bollabog in Cromar, and James Ross sometime at Balater, thereafter about the Whitehouse, apprehended and imprisoned, and confessed that upon the 2d day of February instant, they came to a kiln barn above Banchory Devenick, and it being late, and every body in bed, they pressed up the door, it being only fastened with a stone to the back. And having lain in the kiln barn all night, in the morning they took out about two pecks of malt out of sacks and departed—and denied that they ever committed any other theft. The Sheriff ordained them to be scourged through the town and banished from the shire for ever.

ALEXANDER HUTCHEON AND OTHERS.

9 *February.*

Alexander Hutcheon in Coldhams, James and Robert Hutcheons in Wedderhillock, and John Webster in Kinearth, summoned to underly the law for killing and slaying salmon fish on the Sabbath-day. All fined.

ELSPET MEY AND OTHERS.

21 *February.*

Elspet Mey, spouse to William Stewart in Tarland, Jean Thow in Strachan, Margaret Gady in Nether Cheyne, ordered by the Sheriff to be scourged through the town, burnt on the cheek with the thief's mark, to stand in the Jougs for half an hour, and banished forth this shire for ever, under the pain of death.—In respect that they the said Elspet Mey and Jean Thow did steal two sheep out of the cot belonging to George Thomson ; and Margaret Gady, that she did receipt the said persons and sheep conform to their confessions.

JOHN ROBERTSON.

February.

John Robertson, Scourger, and his wife, being imprisoned upon the suspicion of having beaten, and stricken umquhile James Walker in the parish of Towie, upon Saturday the tenth of December, who died upon the morrow thereafter towards night : There being several witnesses examined by way of precognition, and proving but little to fix the guilt, and the Defenders denying the same, the Sheriff ordained them to be set at liberty. But in respect there be several things found in his house, for which they can give no proof from whom they had the same, as cabbage, kail, an axe, and some other things : And that they are of evil fame, and have not behaved honestly in this place, therefore upon the third of January, 1699, the Sheriff banished them this shire for ever : And upon the tenth of January, the said John Robertson being attached in Stonehaven, apprehended, imprisoned, and examined, and confessing his wife did steal a hen from James Gray, at Kirk of Dunnottar, and gave it him to pluck,

which he was doing when Alexander Glegg attached him ; in respect of his faithful promise and engagements that neither he nor his wife should return to this shire again they were banished the shire upon the 14th January, 1699 : And being afterwards apprehended, and having lain in prison ten days time, he was again banished the shire, and obliged himself never to return again under the pain of death : And the said John Robertson being apprehended within the town of Stonehaven, upon the 9th March, 1699, and having lain in prison till this day, he was ordered to be scourged from the Tolbooth stair to the first smiddy and there to be burnt on the shoulder with the thief's mark, and thereafter to be scourged through the town, and over the water, and banished this shire for ever, never to return again under pain of death without any mercy.

WILLIAM EDMONSTONE, &c.

28 *March.*

William Edmonstone, thief, son to the deceased William Edmonstone, sometime in Faskie in Bogmuir of Eslie, thief, (which Edmonstone the elder is dead since he entered to prison) and Agnes Moffat, thief, spouse to James Jamieson, sometime in Cowtoun, fugitive thief, indicted and accused as follows.

WILLIAM EDMONSTONE, sometime in Faskie in Bogmuir of Eslie in the parish of Fettercairn, William, Thomas, and Robert Edmonstone, your sons, now prisoners in the Tolbooth, and thief's hold of Stonehaven, You are indicted and accused at the instance of James Thomsone, Procurator Fiscal of the Sheriff Court of Kincardine : That where by the law of God, and by the common law, Laws and acts of Parliament of this realm, and constant practice thereof, the crimes of theft and receipt

of theft are high crimes punishable with the pains of death and confiscation of moveables, particularly by K : J : 6 : p : 6 : cap : 75 : and p : 7 : cap : 112 : par 2 : cap : 82 : par : 18 : cap : 5 : death is declared to be the pain of theft, and by the 50 : act par : 2 : K. J. C : it is statuted and ordained that theft, or receipt thereof, shall be punished with the loss and forfeiture of life, lands, and goods, and by several other laudable acts of parliament all former acts and others anent the said crimes are ratified and approved, Nevertheless, It is of verity that you the said William Edmonstone elder, and you the said Thomas and Robert Edmonstone, shaking off all fear of God, respect and regard to his Majesty's laws and authority, have presumed to commit and are guilty of the said crimes, in so far as you did upon Thursday the twenty third day of February last, under cloud and silence of night break the house of

Barclay of Balmakewan, and steal and take out thereof, meal, butter, and cheese. And upon the day of last past, you did open with a pass key the house door of Isabella Croll, in Greenboden, and under cloud and silence of night steal and take out thereof plaids, woollen and linen clothes, and meal. And upon the day of last by-past you did break up the victual house of George Smith in Commieston, and under cloud and silence of night steal and theftuously take out thereof a considerable number of cheese and a quantity of meal. Likeas you the said William Edmonstone elder, did upon the and days of and last past, or one or other of the said days of the said months go under cloud and silence of night to a cot on the Blackburnside, betwixt Rosehill and Inglismawdie, and did steal and theftuously away-take, two wedders and two ewes at sundry times, which being found in your house by Archibald Falconer,

macer, you were declared fugitive therefore. And that upon the day of last by-past you the said William Edmonstone elder, and younger, and Thomas and Robert Edmonstone your sons, did under the cloud and silence of night break two holes in the victual house of David Melvill in Pitgarvie, and you the said Thomas and Robert went in at the said holes, and gave out to the said William Edmonstone elder and younger, several pock-fulls of meal. All which you the said four prisoners did theftuously away-take. And that you did upon the day of last by-past break the victual house of Alexander Cowie, beside the mill of Halkerton, at least enter in at the door having opened the same with a pass-key, and did theftuously steal and away-take a great pock-full of meal. And that one of your pocks full of meal was left behind. And that in the month of December last by-past, you the said William Edmonstone, elder and younger, and Thomas and Robert Edmonstone did go to the cot of and there at two several times, under cloud and silence of night, steal and theftuously away-take four sheep, which you brought to the house of William Carnegie in Bontienook of Craigmestone, and there did kill and eat the same at and about Yool last. And Lastly, you the said William Edmonstone, elder and younger, Thomas and Robert Edmonstone, are indicted and accused as common and notorious thieves, out-fang thieves, in-fang thieves, and thieves by open voice and common fame, so repute and holden. Through doing and committing whereof you are guilty of the crimes of theft and reif. And are authors, actors, and contrivers thereof, at least are art and part therein, which being found by an assize you ought to be punished with the pains of death and confiscation of moveables, to the terror and example of others not to commit the like in time coming. AGNES

MUFFAT, spouse to James Johnston, Cowtoun, fugitive thief, prisoner in the Tolbooth of Stonehaven, and James Johnston, her husband, charged in the said Indictment, under the foresaid statutes, for having on Friday the seventeenth day of February last, gone to the cot of _____ and there, under cloud and silence of night, stealing and away-taking two wedders, which she and her said husband brought home killed and made use of. And that there being some sheep wanting in that part of the country, Donald Hutcheon, one of the Sheriff's-mares and officer to the Laird of Leys, did upon the nineteenth day of February last past, before famous witnesses, search and daccar her house, and found therein several bulks of sheep, with two skins under the wool newly killed, with three legs of fresh mutton boiling in the pot ; which skins she took out of a hole beside the fire, and the pot with the mutton endeavouring to conceal and hide. As also that the said Donald Hutcheon found in the house, the time foresaid, twenty-four or twenty-six sheeps' horns with some grease and other things, which sheep and skins wanting heads, must of necessity be stolen, which she has confessed to severals. And that the said James Johnston, her husband, took the guilt of theft upon him by running away and not compearing to underly the law therefor when summoned. And Lastly, that the said Agnes Muffat is indicted and accused as a common and notorious thief, out-fang thief, in-fang thief, and thief by open voice and common fame, so reputed and holden. Through doing and committing whereof she is guilty of the crimes of theft and reif, and is author and contriver thereof, at least is art and part therein. Which being found by an assize she ought to be punished with the pains of death and confiscation of moveables, to the terror and example of others not to commit the like in time coming.

James Thomson, Fiscal, pur. No prors. for the
Defenders.

The fifteen Assizers names are as follows :—

Alexander Hog, in Newton,
Arthur Hog, in Blearidryne,
Andrew Moncur, in Harvieston,
James Moncur, in Blacklaws,
David Young, in Pitforthie,
Tho. Brane, in Nether Kinmonth,
Alexr. Robertson, in Monthgatehead,
Robert Molison, in Mill of Muchals,
George Mowat, in Trees,
David S , in Cowie,
Alexr. Paterson, in Couilly,
Andrew Watt, in Bogmill,
David Murray, at Mill of Barras,
John Christie, in Thenstone,
William Moir, in Boginreath.

The whilk persons of assyse above named, were all lawfully sworne, no objectione of the Law in the contrary.

The Sheriff having considered the lybell and indyte-
ment at the Fiscall's instance, against the said Wm.
Edmonstone younger yet in lyfe, He finds the same
relevant, Admits the samine lybell to probatione, And
remitts the haill matter to the tryale of the persons of
Inquest above writen.

(signed) J. KEITH.

The Fiscal for probation produced and repeated the
confessions of the panel and his deceased father, and
Thomas and Robert Edmonstone, made before the
Sheriff-Depute upon the 25th day of February last by-
past, when they were committed to prison. And also
produced a false key, mentioned in the confessions, And
sisklike produced the witnesses afternamed and ex-
amined them, they being lawfully cited to that effect.

The said confession made by the said William Edmonstone, prisoner, being read, he adhered thereto in all points, except that he denied that ever he did steal any sheep with his father, or that he was with his father when he saw them, or saw or made use of any of them. And also denied that he was at George Smith in Comieston his house, or had any part or hand in the theft there committed. And the key being produced, it being a false key wanting the middle works, the panel confessed that it was the key mentioned in his and his father's confessions. And likewise there being produced by the Fiscal a pock-full of meal, and the panel being interrogated if the pock produced was his pock, he acknowledged that it was his brother's, and that it was at the house of Balmakewan, and that it was filled full of meal there by him and his father and brothers. And that he himself did carry and away-take other two pocks full of meal, but each of the pocks were less than the one produced. All which he confessed to be truth ; he likewise confessed that he did eat a part of the sheep.

The Fiscal likewise insisted against the panel for his and his father's endeavouring to break the prison and make their escape, after they had got their indictment ; in so far as, upon the fourteenth instant, he and his deceased father did, towards night, break the iron shackles upon their hands, and freed their feet from the iron gade which they did break, and did almost press up the lock and door whereby they did break the gade as said is, and had certainly made their escape if they had not been prevented by the Jailor and others who went in with him. All which the Fiscal offered to prove.

And the said William Edmonstone, panel, being interrogated anent the breaking the said prison, he confessed that he and his father did free themselves of

the Irons, and did break the gade by pressing up the door, conform to the Fiscal's alleadgeance.

Compeared Robert Christie, in Balmakewan, married man, of the age of fifty years or thereby, witness cited, admitted, sworn solemnly, purged of partial counsel and examined. He depones, that upon Saturday morning, about breakfast-time, being the 24th February last, James Sanderson and David Williamson and the Deponent, when they had looked upon the holes made in Balmakewan's house and were searching for the breakers of it, they got a sight of the deceased William Edmonstone, elder, and his three sons sitting in the kiln, some of them amongst the cabers, and some of them below in the bottom of the kiln, with some pock-fulls of meal, whereof one would have contained half-a-boll, some one firloft, and some but pecks. And in the mouth of each pock there was a good quantity of salt butter, some less, some more, with a cap, containing about a pint full of butter rolled in a linen cloth, with two cheese, whereof one was broken, each of them being above a quarter weight, and as he judges five firlofts of meal. And farther depones, that Balmakewan's victual house which was broken, has a stone and lime wall, and was broken in the second story in the easings of the gable, and that the lofting was broken through, and that a deal being pulled up they came down through which upon the giral, and broke off two strong locks off the girnals, out of which they took the meal, and the butter out of the kits standing in the said girnals; which actions the said four Edmonstones did confess to the deponent, and the other persons foresaid that were with him. And this is the truth as he shall answer to God; *causa scientiæ*, he saw and knows as he hath deponed, and declares he cannot write.

Compeared, James Sanderson, in Balmakewan, married man, of the age of twenty-nine years or thereby,

depones conform to the said Robert Christie in all points, except that he knows not if there was butter in the smallest pocks, but that he saw there was a good quantity in the biggest. And this is the truth as he shall answer to God ; *causa scientiæ*, he saw and knows as he hath deponed, and declares he cannot write.

Compeared, James Smith, in Comieston, who was cited to give his declaration. And the Sheriff appointed him to give the same sincerely, but not upon oath, in respect that it was his own house that was broken. And he being interrogated, declares that his house was broken upon said Tantone-market evening, being the sixteenth day of January last, and that his wife reckoned they wanted six firlots of meal, and ten cheese, whereof some would have been a quarter weight, and some three pound weight. All which he declared to be of verity, but who were the actors he could not tell until now that they had discovered themselves. Likeas the said Thomas being confronted with the said George Smith, confessed the number of the cheese, but alledged there was not so much meal.

Likeas, compeared, Alexander Cowie, whose victual house was broken in manner libelled. Being desired to declare ingenuously what victual he wanted, he declared that out of a six-firlot sack, which he had standing in his victual house, he wanted about two pecks, but knew not who were the actors, till now, and that a little pork was left behind in the victual house.

Compeared, John Irone, and depones that he was in Coldstream, within two or three rigg length from where Mr. Carnegie dwells, and that he had occasion to come to William Carnegie's house, upon yool-day last about breakfast time, and that he saw William Carnegie himself have in his hand a hot sheep's haggis which had been taken presently out of the pot, but did see no other company about the

house, which is all he knows, and declares to be the truth as he shall answer to God.

Compeared, Archibald Falconer, in Fettercairn. Deponed that he being at daccaring the deceased William Edmonstone his house in Eeslie, there was found therein four mutton bulks, two loaves of grease, and one pockful of wool, with four or five sheeps' heads, and a considerable number of singed sheeps' feet; all which, and several other plenishing, the deponent as Sheriff's-mare carried to his own house. And that John Leyes, Balmanie's officer, William Clark, in Nether-mill, and Alexander Scott, in Harstonemuir, intromitted with, and away-took the same at their own hands, while the deponent was absent, with the locked theft whereof he had the key. And declared that William Edmonstone's two youngest sons were in their father's house at the time. All which he declared to be truth as he should answer to God.

Compeared, Andrew Greigg. Deponed in all things conform to the said Archibald Falconer, except that he knows not what became of the goods after the said Archibald Falconer seized upon them. And this is the truth as he shall answer to God, and declares he cannot write.

Follows the tenor of the verdict as to Edmonstone :—

Att Stonhyve the 28 : March nynty nyne, the assyse having enclosed, and chosen Alex. Hog in Newtoun to be yr. chancellor they all in one voice ffinds William Edmonstone, sone to ye. deceast Wm. Edmonstone elder, guilty of theft both by his own confessione and probatine led agt. him the said day Qrefor ye. sd. chancellor has subst. thir prests. sic sub.

Alexr. Hog.

The Sheriff having considered the Indictment against Agnes Muffat, he finds the same relevant and admits the same to probation. And remits the whole matter to the trial of the persons of inquest above written.

(signed) J. KEITH.

The Fiscal produced and repeated the said Agnes Muffat's confessions, made before the Sheriff, upon the 23d February and 9th March instant. And also produced the number of twenty-four horns of sheep, whereof, five had the marks taken off. All which were found in her house at the time of daccaring. And also produced the witnesses afternamed for proving of the indictment.

The said Agnes Muffat adhered to the said two confessions made by her upon the 23d of February and 4th March instant, and again repeated and confessed, that she knew the first two sheep were stolen by her husband, upon the 17th February last. And also that she knew the said three sheep were stolen by her husband, about Yool last. And that the five horns whereof the marks were cut off, did belong to the said five sheep, being a horn off each. And that she and her husband did kill the said five sheep, and did eat and make use of the first three, and that they were apprehended when they were about the making ready and using of the other two, she having put in two legs of the said mutton with a piece more into the pot when the daccarers came in, and which pot they found at the side of the house beside the fire. And also she confessed that she staped in the two skins in a hole beside the fire, which she took out and gave Donald Hutcheon at the time of daccaring.

Compeared, Donald Hutcheon, in Westland-muir. Depones, that he being officer to the Laird of Leys, several of the tenants came to him, and told him they

would not give his officer corn unless he would daccar for sheep which some of them wanted. And having daccared two other houses, he at last came to David Jonhston his house, and thereafter to James Johnston, his son, his house in Cowtoun, they being both of evil fame, with their wives. And that when he knocked at the said James Johnston his door, about eight o'clock at night, upon Sunday the nineteenth day of February last, the said James Johnston did open the door, but before the same was opened, he saw over the head of the door the said Agnes Muffat, panel, take the pot off the fire, and when he entered she was sitting with her petticoats above the pot, as he thought, because it did not reek, but it did reek how soon he took her therefrom. And when he lighted a candle, and took a timber plate off the pot, he found therein two legs and another piece of mutton, which did start up how soon he did take off the said plate. And how soon as the said deponent did take the panel from the pot, her husband, James Johnston, got away out of the door, and went through the other daccarers, standing without. And how soon the deponent found the mutton in the pot, he cried, "Here is the fang ! where is the thief ?" And going to the pantry to search for Johnston's arms, he found other six legs of fresh unboiled mutton lying in a sack at the gable of a chest ; and he having enquired for the skins at the panel, she went to a close hole beside the fire, covered with a stone before, out of which she gave him two wedders' skins, but they wanting the legs and heads, he could find no mark or keil upon them. He farther depones that, ever since he had any concern in the lands, which will be about five years since, he ever heard that this panel and her husband were always repute and holden to be of evil fame. And this is truth as he shall answer to God ; *causa scientiæ patet*.

Compeared, George Thomson, at Moutiemill. Deponed conform to the said Donald Hutcheon in all points, as to the two sheep for which the daccaring was made. And farther deponed that, several years ago, he heard the panel did steal one shirt out of Findlayston, for which there was a court holden. And this is the truth as he shall answer to God ; *causa scientiæ*, he was in the house with Donald Hutcheon, and lighted and held the candle at the time of daccaring.

Compeared, John Gordon, in Raedykes. Deponed conform to the said Donald Hutcheon in all points, excepting as to the two skins, and the panel sitting above the pot, neither of which he could see, because, when the said Donald entered, the deponent was out of doors, and before the discovering of the skins he had gone to see which way Johnston had gone away, and when he returned he found the skins in Donald Lindsay's possession. And farther depones that he heard them called to be of no good fame.

Compeared, Robert Ker, *solutus*. Deponed, that about sixteen years ago, there was a court holden in the deponent's house, who then lived at Mill of Moutie, by Robert Keith, Bailie to the tutor of the then heritor of the said lands ; In which court, the said Agnes Muffat, panel, then spouse to the said Johnston, was found guilty of stealing of a shirt out of Findlayston. And he was present at the said court, and knows all he has deponed.

Compeared, Alexander Gray, in Dubtoun. Deponed conform to the said Robert Ker in all points, *cedens eandem causam scientiæ*. And farther deponed that by common voice and open fame she and her husband are of evil report.

The said day, James Croll, in Criggie, John Scott, in Meikle-fiddes, and Alexander Naughty, in Bonakettle, assysers ; and David Williamson, Balmakewan, witness ;

being oft times called to have compeared before the Sheriff, this day and place in the hour of cause, to have passed on the assyse of the said two panels, and to have born leal and soothfast witnessing against them or either of them respectively, as they who were lawfully cited to that effect, time and day abiden, and they nor none of them compearing, the Sheriff-Depute did therefore, by the mouth of William Craig, officer of court, decern, amertiate, and adjudge ilk ane of them in the sum of fifty pounds Scots money, which was pronounced for doom.

Follows the tenor of the verdict of the assyse as to Agnes Muffat :—

Att Stonehavine the 28 : March nynty nyne, the assyse having received and chosen Alexander Hog in Newtoun, to be yr. chancellor, they all in one voice ffinds and declares Agnes Muffat, spouse to James Johnston, fugitive thief, guilty of theft both by her owne confessione and probatione led agt. her the sd. day : And also tht. they find her guilty by open voice and common fame of ane evill report this many years bygone, Qrfor the sd. chancellor hes subt. thir prests. sic subt.

Alex. Hog.

The Sheriff continued the court as to both the panels, and their sentences to the 30th inst.

(signed)

J. KEITH.

Stonhavine 30 March 1699, in pren. Sheriff. The Sheriff continued the sentences against Agnes Muffat and William Edmonstone yor. to the first of April next, in the hour of cause.

Stonehavine the first day of April 1699. In presence of James Keith, Sheriff-Depute of Kincardine, sitting in judgement in a fenced court holden within the Tolbooth of Stonehavine.

The said day, for so meikle as it is found by the assyse on the twenty-eighth of March last past, that the said William Edmonstone is guilty of theft by his own confession, and probation led against him, which the Sheriff this day has considered; and also considering that he hath made ane use of breaking houses in manner mentioned in his confession. Therefore the said Sheriff-Depute by the mouth of John Frayser, dempster of court, decerns and adjudges the said William Edmonstone, to be taken to the Gallowhill upon Monday next the third of April instant, betwixt the hours of ane and four in the afternoon, and there to be hanged on a gibbet till he be dead, and all his moveable goods and gear to be escheat, which is pronounced for doom. Whereupon the Procurator-Fiscal takes instruments.

(signed) J. KEITH.

The said day, for so meikle as it is found by the assyse on the twenty-eighth of March last past, that the said Agnes Muffat, spouse to the said James Johnston, is guilty of theft both by her own confession and probation led against her, and also is guilty by open voice and common fame of ane evil report these many years bygone. Therefore the said Sheriff-Depute, by the mouth of John Frayser, dempster of court, decerns and adjudges the said Agnes Muffat to be taken to the Gallowhill, upon Monday next the third of April instant, betwixt the hours of ane and four in the afternoon, and there to be hanged on a gibbet till she be dead, and all her moveable goods and gear to be escheat, which

is pronounced for doom. Whereupon the Procurator-Fiscal takes instruments.

(signed) J. KEITH.

The said day, the said Sheriff-Depute appoints the bodies of the said two malefactors to be buried at the Gallows foot after they are dead.

(signed) J. KEITH.

JAMES ELMSLY.

1699, 22 *August.*

James Elmsly, sometime in Clerach, thereafter in Hillhead of Muchals, now prisoner in the Tolbooth of Stonehaven, indicted and accused at the instance of James Thomson, Procurator-Fiscal of the Sheriff Court of Kincardineshire ; charged, that on Saturday the 22d of July last, under cloud and silence of night, he had gone to the fold of John McComby, in Nether Ruthvine in the parish of Logiemarr and Sherifffdom of Aberdeen, and that he did then and there theftuously steal and away-take three milk cows, two whereof were black, another brown ; of the which black cows one was an old cow, short tailed, white bellied, and long horned ; the other of the said cows an old cow, about eight years-old, jet black, long tailed, grey horned, up-headed ; the said brown cow being of five years-old, short-green-horned, having a bell in her forehead, white belly, one white flank, and a long tail. And that he did upon Sunday and Monday, the twenty-third and twenty-fourth days of July last, take the same to the Hillhead of Muchals, where he and his family did abide and stay : And that thereafter he did also upon Wednesday the twenty-sixth of July last, drive the said three cows to

the Lands of Cowdine, within the said Sheriffdom of Kincardine, and there sold the said brown cow to James Begg, for twenty-five merks and a cheese, worth three shillings Scots, and got forty shillings of earnest with the said cheese, and that he was to have the rest of the said price within a few hours thereafter. And that afterwards he did drive the said two black cows, upon Thursday the twenty-seventh of July last, to Lammas fair, a mile above Fettercairn, where he did sell them for twenty pound Scots. And that after he had received the money, Notice being given in the market that the said cows were stolen cows, he did run away, and being apprehended he pretended he bought the said three cows upon the said twenty-fourth of July last, from Alexander Davidson, in Gardineside. And lastly, he the said James Elmsly was indicted and accused as a common and notorious thief, out-fang thief, in-fang thief, and thief by open voice and common fame, &c.

James Thomson, Fiscal, pur. No prors. for the
Defender.

ASSISERS NAMES.

William Clark, at Nethermill,
James Ritchie, in Kirktoune,
David Croll, in Fettercardine,
John Hunter, in Toux,
James Arbuthnott, in Drumlithie,
James Kinloch, in Drumhendry,
Francis Mann, in Auchcairney,
John Duthie, in Clashfarquhar,
George Shepherd, in Cairnrobin,
John Foullarton, in Stonhyve,
John Clark, in Drumsleed,
Alex. Duthie, in Nethertoun of Elsieck,
Robert Gordon, in Ratside,
William Murray, in Lumgair,
John Gordon, in Raedykes.

James Elmslie confessed that he did drive the said three cows from the Kirk of Strachan or thereby, to the Hill-head of Muchals, and thereafter he did drive them to Cowdine, and there did sell the cow of the marks libelled, to James Begg there, for twenty-five merks libelled. And that he drove the other two kyne libelled to Lammas fair, in Fettercairn, when he sold them for the price libelled. But he alleged that he got the three kyne from Davidson, conform to his first confession. And the said panel being further interrogated why he said to Donald Hutcheon and Alexander Taylor in Muchals, that the brocket cow was his own, and that he got another in exchange of a steer of his own from his brother, and that he got the third in exchange of some sheep; he declared that he said so to Alexander Taylor and Donald Hutcheon, but that the matter was not so, and he was afraid that they had thought that he had stolen them himself. He farther confessed that, in May last, he was scourged through Charleston of Aboyne, by order of the Bailie of Aboyne, for making three thieves let down their burdens of stolen gear, upon a muir, which they had taken out of the mill of Dinnet, which they had broken, and that the panel did take up one of the pocks with meal, for which they seized him, and he was scourged in manner foresaid. He likewise confessed that before Whitsunday last, he fell in company with a boy Alexander Thomson, coming from Walkmylne of Aboyne, and that they went to the dwelling house of Robert Forbes in Waterfoull, and that the boy went in at the window, and did give him, the panel, two pecks of meal or thereby out thereat. He farther confessed that there was no person with him when Davidson sold him the three cows and delivered the same to him.

Compeared, the said Neil Stewart. Deponed, that he knew the three kyne libelled, of the marks libelled,

to belong to John McComby, designed in the libel ; and that they were in the said John McComby his custody, upon Saturday the 22d July last, being the Saturday before Lammas fair, where two of the kyne were challenged ; and that they were driven away, and stolen out of John McComby's fold that Saturday night. He farther deponed, that the panel was esteemed by open voice and common fame, a loose man and a thief in the country ; and that the deponent heard that he was scourged for theft in Aboyne, and that he heard the fang was got with him ; and also that the deponent heard of the stealing of the meal. That the deponent lived in Nether Ruthvine, within a mile of Little Kauder, where the panel lived ; and that the deponent had known the panel for twelve months bygone, and knows all he hath deponed.

Compeared, Alaster Stewart, in Nether Ruthvine. Deponed as to the said three cows, conform to the said Neil Stewart in all points. Farther deponed that by open voice and common fame the panel was a common thief ; and that the deponent saw him scourged through Charlestoun of Aboyne ; and that the deponent had known the panel for seven years bygone, and all that had lived within a mile of the panel.

Compeared, Alester Christie, in Nether Ruthvine. Deponed, *in omnibus*, conform to the said Alaster Stewart, excepting only that he did not see, but heard the panel was scourged.

Compeared John Gillanders, in Nether Ruthvine. Deponed, as to the said three cows, conform to the said Neil and Alaster Stewart in all points. And farther deponed that he himself did challenge the two kyne libelled, in Lammas fair, after they were bought, but that he did not see the panel in the market. He likewise deponed that, by open voice and common fame, the panel was esteemed and reputed a common thief.

Compeared, Alexander Taylor, in Muchals. Deponed that, upon Monday, about twelve o'clock, being the 24th July last, and the Monday before Lammas fair last, the panel did bring the three cows, of the marks libelled, to the Hill-head of Muchals, and offered to sell the same to the deponent; and said that one of them was his own; another he had niffered with his brother for a steer; and the third he had got in exchange of sheep; and that upon Tuesday the 25th July last, about eight in the morning, he did drive them off the lands of Muchals, and declared that he was going to Lammas fair with them.

Compeared, Donald Hutcheon, in Muchals, Deponed, *in omnibus*, conform to said Alexander Taylor.

Compeared, James Begg, in Cowdine of Lagavine. Deponed that, upon Monday the 25th July last, the panel did come to the deponent's house with the three kyne libelled, and that he did sell the short-horned brown cow, libelled, to the deponent, for 25 merks, which were to be paid on the morrow, in case the deponent got money for one of his own kyne, which he was to sell in Lammas fair, and if not the said price was to be paid at Lawrance day thereafter; and that the panel did drive the other two kyne the way towards the market, but he did not know where he went that night; but on the morrow, being Thursday, the market day, and the deponent going to the market with his own cow, he did see the panel several times in the market, and that a little thereafter when the rumour rose that the kyne were challenged, the deponent went to see the same, and finding that they were the cows whicyh Elmsl had, and that one of their ears were cropped, the deponent did instantly house and did trace the panel, who sometimes did go off the way, and did apprehend him about a quarter of a mile east the deponent's house, which the panel had gone by without enquiring after

him ; and that the deponent did induce him to go back to his house upon promise to deliver him his cow's price, till he got a guard for him, and having got William Mushat and Thomas Walker, brought him alongst, prisoner.

Alexander Scott, in Harestonemuir ; James Taylor, in Fordoune ; John Dickson ; and Alexander Davidson, being all lawfully cited, personally apprehended, and not compearing to bear leal and soothfast witnessing against, and pass upon the trial of the panel ; the Sheriff, by the mouth of William Craig, officer, amer-tiated ilk one of them in the sum of fifty pounds Scots money, to be paid to the Fiscal for the Sheriff's behoof. And ordained execution in form as effeirs, to be direct hereon.

(signed) J. KEITH.

Follows the tenor of the verdict :—

Stonehavine, 22d of August, 1699.

All the men of inquest chosen to pass upon the assise of James Elmslie, now prisoner within the tolbooth of Stonehavine, having chosen John Hunter in Toux chancellor of the said inquest, after they considered the indictment given in against the said panel, the witnesses depositions, and the said panel his own confession. In the first place they find him to be repute a thief by open voice and common fame, and in the next place they find him to be art and part in the said theft of the said kyne libelled, *sic sub*.

John Hunter, Chancellor.

For so meikle as it is found by the assise, that the panel, James Elmsly, is repute a thief by open voice and common fame, in the first place ; and in the next place, he is found to be art and part in the theft of the

kyne libelled, conform to their verdict, under the hand of John Hunter, their chancellor. Therefore, the said Sheriff-Depute, by the mouth of John Fraser, dempster of court, decerns and adjudges the same James Elmsly, panel, to be taken to the Gallow-hill upon Friday next, the twenty-first instant, betwixt two and five hours in the afternoon, and there to be hanged on a gibbet till he be dead ; and thereafter his body to be buried at the gibbet foot ; and declares all his moveable goods and gear to be escheat, which is pronounced for doom, whereupon the Fiscal takes instruments.

(signed) J. KEITH.

JOHN ERSKINE.

23 *April*, 1700.

John Erskine, sometime resider in Braeside of Balfour, now prisoner within the tolbooth of Stonehaven, did, upon the day of last past, or on one or other of the days of the said month, in the night time, break the house of Robert Allan, in Braeside of Balfour, his neighbour, and steal out of the same a good quantity of meal, and other goods ; which he did hide in a peat stack in the moss of Arnhall, and which were there found hid by the daccarers ; for which theft, he the said John Erskine, was upon the day last bypast, orderly declared fugitive and outlaw, before the Sheriff-Depute of Kincardineshire. Likeas the said John Erskine, did judicially confess before the said Sheriff-Depute, his breaking the said house and stealing three pecks of meal out of the same, and the hiding and finding thereof in manner foresaid. As also, upon the day of August last bypast, being the Tuesday of the last Laurence fair week in this

shire, the said John Erskine did break the house of James Smith, in Warbertoun, in the night time, and did open the door with a false key and crooked iron, and took out of the same three ells of grey cloth, and a coat off the bed-side, which was also judicially acknowledged by him, before the said Sheriff-Depute. And upon the morrow, being Wednesday night, in the said Laurence fair week last bypast, he did break the house of William Bruce, in Wester Mathers, and took out of the same, William Bruce's upper-coat ; his son William Bruce younger, his upper-coat, and fustine coat ; two suits of linens, consisting each suit of one half shirt, cravat and sleeves, and four pair of woven stockings ; and seventeen pound of ready money ; and his brother Andrew Bruce's upper coat ; and nineteen ells or thereby of linen, and several other goods and gear belonging to the said William Bruce elder, and his said son. And which William Bruce younger, his said upper-coat was found upon the back of the said John Erskine wearing when he was apprehended, and was judicially acknowledged by him to belong to the said William Bruce, and so was there taken off his back and ready to be produced ; and likewise he confessed having stolen fifteen ells of said linen. And also, he did upon Festerns-even day last bypast, in the night time, go in at the window of William Marnoch's house in Tillibridies, and there stole out of the same, a shirt ; four ells of linen, being the winding sheet of his deceased wife, whom he ordinarily carried on his back for supply, she being sick of the palsy and not able to sit up, stand, or walk ; a man's leather belt ; and several other things out of the said Marnoch's house, which was in like manner judicially acknowledged by him, the said John Erskine ; and several of the articles were gotten again and were ready to be produced. And sicklike, some few days after market, being the day of March last, he did break, in the

night time, William Kaird in Barras, and John Edward there, their house, and did steal out of the same a great number of hears of green yarn, some little money, and a leather wallet, and other things belonging to the said William Kaird ; and some oats belonging to the said John Edward, with his coat, and which coat was acknowledged by the said John Erskine to be the said John Edward's, and stolen by him : And the said William Kaird's wallet was now found with the said John Erskine. Likeas, there was found upon him a crooked iron, ready to be produced, for opening of locks of doors and chests. Moreover, the said John Erskine did, upon the day of March last past, break the house of Milne, Lumgair, and was therein apprehended by Robert Arbuthnott there, and the said

Milne, who suffered him to escape. And upon the twenty-eight day of March last bypast, the said John Erskine did, in the night time, break the house of Alexander Grieve, Cordinar, in Newtown ; and there having, with a false key or crooked iron, opened several chests, took a sacket, wherein the said Alexander Grieve had some shoes lying ; and also the said John Erskine gathered together the rest of the said Alexander Grieve his made shoes, and did put them in the said sacket, being an hail fourteen pair ; and did there steal ane tobacco box, one timber and one horn comb in a case. But by the still providence of God, the said Alexander Grieve and his son did catch and apprehend the said John Erskine, in their house.

James Thomson, Fiscal, pur. No prors. for the
Defender.

ASSISERS NAMES.

Andrew Moncur, in Harvieston,
John Foullarton, in Stonehyve,
James Moncur, in Blacklaws,

John Lindsay, in Whistleberry,
 John Anderson, in Kinneff,
 Robert Fettes, in Bervie,
 Andrew Law, in Johnshaven,
 George Watson, there,
 John Kinloch, in Drumhendry,
 George Austin, in Craigmoston,
 John Brown, in Dalledies,
 James Low, in Mill of Thornton,
 Andrew Garvie, in Cushnie,
 David Hunter, in Standingstones,
 John Middleton, in Denside.

Compeared, the said John Erskine, thief, and adhered to his confession, as contained in his said Indictment, publicly read before him in presence of the assise.

(signed) JOHN ASKEN.
 J. KEITH.

At Stonehaven, 23d April, 1700. The hail persons of assise, within named, having elected and chosen John Kinloch, in Manor of Drumhendry, their chancellor, they all in one voice find and declare the said John Erskine guilty of theft, in respect of his own confession. Wherefore the chancellor has subscribed these presents.

(signed) John Kinloch.

Remits him to the Judge.

At Stonehaven, the twenty-third day of April, 1700 years, In presence of the Sheriff-Depute foresaid. The Sheriff-Depute considering for as much as the panel, John Erskine, is found guilty of theft, by the mouth of John Kinloch, their chancellor, upon the points of the libelled indictment; Therefore he, by the mouth of John Fraser, Dempster of Court, decerns and adjudges the said John Erskine to be taken to the Gallow-hill, upon Friday next, the twenty-sixth instant, betwixt

twelve hours in the forenoon and five in the afternoon, and there to be hanged on a gibbet till he be dead. And declares his moveable goods and gear to be escheat, which is pronounced for doom, whereupon the Fiscal takes instruments. And the Sheriff likewise ordains his body to be buried at the gallow's foot.

(signed) J. KEITH.

ALEX. MATHESON AND CHRISTIAN WELSH.

23 *April*, 1700.

Alexander Matheson, sometime in Tarnetwell, and Christian Welsh, his spouse, prisoners within the Tolbooth of Stonehaven, charged with having harboured in their house and family the person of John Erskine, fugitive thief, now prisoner within the Tolbooth of Stonehaven, at several times, for divers weeks and days together, with some of his stolen gear, stolen by him during the time of his first coming to their house, about Candlemas last, to the time of his being last apprehended, the twenty-eight of March last ; since which time there were some of the goods stolen by the said John Erskine, and found in their possession, viz. :—One coat of Grays, belonging to John Edward, in Barras ; two cravats, belonging to William Marnoch, in Tillibridies, whose house was broken and the said goods stolen by the said John Erskine, in manner mentioned in the said John Erskine's Indictment. Likeas, the said Christian Welsh did sell to divers and sundry persons, divers quantities of green yarn, stolen by the said John Erskine, called her sister's son's, and to others her mother's sister's son's, thereby intending to conceal the said John Erskine his thefts and guilt, and to inhance a part of the benefit to herself ; particularly

she did sell to Margaret Bruce, spouse to Peter Mather, at Parkside, twenty-two hear of linen yarn, and when the said Margaret Bruce challenged her the said Christian Welsh, for some of the said yarn that the same was not well reeled, the said Christian Welsh said it was her husband's reeling when she was sick ; which, and the selling of the rest of the yarn, she did confess before the Sheriff-Depute, judicially : In like manner the said Christian Welsh did sell to Isobel Rodger, spouse to James Duncan, in Tarnet-well, ten hear of linen yarn. As also, the said John Erskine did sell to Janet Morice, spouse to Alexander Chalmers, weaver in Glenton, and a woman called Janet Neilson there, a spynle. Item to Keith, spouse to Beattie, in Elphill, she did sell ten or twelve hears tweedlin yarn : As likewise she did offer yarn coats and craig-cloaths to be sold to several other persons, which she said her mother, sister, or sister's son, had at her house to be sold, and invited them to come and buy them : And farther at daccering of the said Alexander Matheson and Christian Welsh their house, there was also found in it, since the apprehending of the said John Erskine, some green sheep's tallow, two green pallets wanting the wool, hid, stinking, in a private place of the house, with some sheep's-skin-wool, for which she could give no famous seller, nor a reasonable account how she came by the same.

James Thomson, Fiscal, pur. No prors. for the
Defenders.

ASSISERS NAMES.

Andrew Moncur, in Harvieston,
John Foullarton, in Stonehyve,
James Moncur, in Blacklaws,
John Lindsay, in Whistleberry,
John Anderson, in Kinneff,

Robert Fettes, in Bervie,
 Andrew Law, in Johnshaven,
 George Watson, there,
 John Kinloch, in Drumhendry,
 George Austin, in Craigmoston,
 John Brown, in Dalledies,
 John Low, in Mill of Thornton,
 Andrew Garvie, in Cushnie,
 David Hunter, in Standingstones,
 John Middleton, in Denside.

At Stonehaven, 23d April, 1700. The hail persons of assise, within named, having elected and chosen John Kinloch, in Mains of Drumhendry, to be their chancellor, They all in one voice find and declare the said Alexander Matheson guilty of the receipt of the said John Erskine, thief ; and the said Christian Welsh guilty of the receipt of the theft libelled, in respect of their own confessions. Wherefore the said chancellor has subscribed these presents.

(signed) John Kinloch.

Remits them to the Judge.

The said day, The Sheriff-Depute continues his sentence against the said Alexander Matheson and Christian Welsh, till the 25th day of April instant.

(signed) J. KEITH.

Stonehaven, 25th April, 1700. In presence of Mr. James Keith, Sheriff. The Sheriff having considered the probation and verdict, he ordains the said Alexander Matheson and Christian Welsh to be scourged through the town of Stonehaven, the morrow, by the hand of the common hangman ; and thereafter to be brought back to prison, to be carried fettered by the arms, in company with John Erskine, condemned thief,

to the Gallow-hill, and there to stay till he be executed : And thereafter to be kicked with the foot of the common hangman, and banishes them this shire thereafter for ever, never to be seen therein thereafter under the pain of death ; to which sentence they acquiesce under the pain foresaid. And the Sheriff ordains their moveable goods and gear to be escheat, whereupon the Fiscal takes instruments.

(signed)

J. KEITH.

JOHN DUNCAN.

23 *July*, 1700.

John Duncan, in Auchinblae, prisoner within the Tol-booth of Stonehaven, shaking off all fear of God, respect and regard to His Majesty's laws and authority, hath presumed to commit the crimes of theft and receipt thereof ; in so far as he did, upon Wednesday the tenth of July instant, go to the Month or hill of Kirloak, and there did theftuously steal and away-take two oxen and one cow, marked pertaining to George Burnett, in Mulloch ; and three oxen, marked pertaining to William Taylor, in Knock ; and having sua theftuously stolen the said goods, he did, upon Thursday the eleventh instant, being the Nolt market of Palladie fair, drive the same in the roads from the said market of Palladie fair, leading to the hill market of Kirriemuir, where he intended to have sold the same. And one of which oxen being he sold to John Dargie, in Brae of Fearn, for twenty-two merks, which he gave back again after he was apprehended, and the goods were taken back by the said George Burnett, and William Taylor, son to the said William Taylor. And lastly, he is indicted and accused as a common and notorious thief, outfang thief, infang thief, and a thief

by open voice and common fame, so repute and holden,
&c.

JOHN REID.

23 *July*, 1700.

John Reid, lately in Cromar, now prisoner within the Tolbooth of Stonehaven, charged with having, upon Monday the eight day of July instant, gone to the Den of Morphie, where finding some linen webs bleaching there, he did theftuously steal and away-take one of the said linen webs, about twenty-four ells of length, wherewith he came to Hillhead of Alpity, where he did hide the said web amongst a rickle of truffs, where it lay till Tuesday night, and he was apprehended therewith upon Wednesday tenth instant, &c. &c.

James Thomson, Pror. Fiscal, Pur. No prors. for
the Defenders.

NAMES OF ASSISERS.

Samuel Wrightson, in Stonehaven,
John Walker, in Feathers,
James Leiper, in Brackmuirhill,
John Fotheringham, in Blackballe,
Alexander Smith, in Bogs,
James Archibald, in Auquholie,
William Hogg, in Cowtown,
James Edward, in Woodhead,
David Steiven, in Denhead of Ketterline,
Robert Brand, in Auchinblae,
William Black, in Auchinblae,
John Falconer, in Newlands,
John Reith, at Mill of Dillievaird,
Robert Taylor, at Crosbit,
Robert Smith, in Drumlithie.

And the said John Duncan and John Reid, panels, being both interrogated before the assise, anent their judicial confessions, and the matters of fact libelled against them in the respective Indictments; they the

says John Duncan and John Reid do presently adhere to their saids former confessions, and again confess and acknowledge the particular thefts libelled against them, as the same are particularly inserted in the indictments and former confessions, whereupon the Fiscal takes instruments.

For so meikle as it is found by the assise, that the panel John Duncan, is guilty of the theft of the nolt libelled in his indictment, conform to the verdict under the hand of Robert Brand, chancellor ; Therefore, the Sheriff-Depute foresaid, by the mouth of John Fraser, Dempster of Court, decerns and adjudges the said John Duncan, panel, to be taken, upon Friday next, the second day of August next, to the Gallow-hill, and there, betwixt the hours of eleven in the forenoon and five in the afternoon, to be hanged on a gibbet till he be dead ; and thereafter his body to be buried at the gallows's foot ; and declares all his moveable goods and gear to be escheat, which is pronounced for doom ; whereupon the Fiscal takes instruments.

(signed)

J. KEITH.

For as meikle as by the verdict of an assise it is found, that the said John Reid is guilty of pyckine and small theft, conform to the assise their verdict ; Therefore the Sheriff ordains him to be burnt, on Friday by eleven o'clock, with an iron, on the right shoulder-blade,* and thereafter to be tied with ropes to John Duncan, and carried with him to the Gallow-hill, and there to stay

* With regard to these punishments, we learn from tradition of later years, that, on the occasion of one of these, which took place at the smithy opposite the now Court-House, lately John Main's, and which was then, as it now is, a smithy, the culprit, after getting his ears bored with a *red hot iron*, the smoke from which is said to have gone over the smithy with a whiff, roared out while capering with pain,—“I would be right now if I had *pendices*.”—i.e. earrings.

and behold his being hanged, and to inter his body ; and thereafter the said John Reid to be kicked with the foot of the dempster, and banished this shire for ever, never to return thereto under pain of death. Whereupon the Fiscal takes instruments.

(signed) J. KEITH.

JOHN LOW.

1747.

John Low, tenant in Easthill of Johnstoun, charged, among other thefts, with having stolen four oxen and a quey from Andrew Glen, in East Mains of Balfour. It appears that panel offered Glen as many of his cattle as would satisfy him for those he had stolen. Glen having rejected this offer, panel agreed to pay him one hundred pounds Scots, on condition that he would not inform the Procurator-Fiscal of the theft ; but he failed to fulfil his promise. Panel gave in a petition to the Sheriff, stating, that although all the crimes charged against him could not be proved, as he could not afterwards live with any comfort or character in the country, he craved to be transported to any of His Majesty's plantations in America, never to return. Peter Barclay, of Johnstoun, stated that the panel had been about three years and upwards a tenant in his ground, and that he knew him to be a poor wretch, and of a very low degree of understanding. Mr. James Smith, minister at Garvock, stated that he knew panel to be a poor weak creature, and a sort of crack-brained fool. Prayer of panel's petition granted

MEAL MOB IN BERVIE.

1778.

The parties indicted for mobbing and rioting were, John Gabriel, Janet Snypes, John Walker, Janet Stephen, Elizabeth Ritchie, Hercules Duncan's wife, and Elizabeth Croll, all residing in Bervie ; Jean Allan, Ann Creggie, Janet Allan, Margaret Jamie, Mary Jamie, Martha Colvin, and Christian Blews, all residing in Gourdon ; Ann Taylor, Mains of Hallgreen ; Margaret Duncan, Haughs of Benholm ; Elizabeth Murray, Margaret Simpson, David Croll, Alexander Mearns, and David Jamie, all residing in Johnshaven. This riot would seem to have commenced in consequence of there not having been a sufficient supply of meal in the Burgh and neighbourhood for the wants of the people ; or rather, that they were under the impression that it was withheld them. *John Norrie*, weaver in Bervie, stated that there was no meal to be got in the Burgh, and as his business demanded all his time through the day, he was obliged to travel through the country, during night, to procure meal for himself and family. He was persuaded Robert Napier, merchant in Bervie, could have supplied him, had he been willing, but who refused to do so, although he informed him of his distress ; to which Napier replied, that he had contracted for one hundred bolls of meal more than he could get to buy in the country. *Robert Dickie*, wright in Bervie, said that he was equally distressed for want of meal, and that Napier had refused to supply him. *James Stephen*, weaver in Bervie, stated that about the beginning of March and end of April, this year, there was no meal to be bought in Bervie, for two or three weeks. That he applied to Robert Napier for meal, who said he had none ; but whether he had or had not he (Stephen) could not tell. That meal, before the time of the strait, was sold in Bervie at six pound

Scots the boll, and the first supply after that was eight pence the peck, and about the time of the mob only eight pence halfpenny the peck. That, on Napier refusing to supply him with meal, he went to mill of Pitcarry, and there got to buy, as a great favour, a single peck of bear meal. But the same night, there was sent him, from the same place, a firlof of oatmeal, for which he paid half-a-crown. *Margaret Creggie*, spouse to James Gowan, in Johnshaven, stated that she had four children, besides her husband and herself, and the scarcity was so great that she was obliged to buy potatoes for their support, as no meal could be got. That, before the mob, she had applied to Napier for meal, but he refused to give her any. In this unfortunate state of matters, the people of Bervie and neighbourhood, on learning that Mr. Napier had freighted a sloop belonging to Alexander Law, in Johnshaven, for the purpose of taking a cargo of meal to Borrowstoness, resolved to prevent its embarkation; and intimated to Law, that they would burn the vessel if meal was attempted to be put on board of her. The sloop however entered the water-mouth of Bervie on a Saturday, and on the Monday morning following, she was violently taken possession of by some women from Gourdon, Johnshaven, and Bervie. On observing two carts loaded with meal coming towards the sloop, they ran off to join another party which were throwing stones at the horses and drivers, and also at Mr. Napier, who accompanied the carts. Having succeeded in preventing the meal from reaching the vessel, the mob went and demanded from Law the keys of the hatches, which he delivered to Jean Allan, one of the panels. The vessel remained in the possession of the mob during the night; and on Tuesday, about mid-day, she was ballasted from the beach, and Law ordered to depart with her as soon as possible, which he im-

mediately did as he said "he would have done any thing to have been in safety." E. Ritchie and E. Croll were acquitted; John Gabriel, four months, Janet Snypes and Jean Allan, three months imprisonment in Tolbooth of Stonehaven, and thereafter banished the county for life; Margaret Duncan, Mary Jamie, and Janet Allan, two months imprisonment in Tolbooth of Stonehaven, and to find security for their good behaviour for two years, under the penalty of three hundred merks Scots; David Croll and David Jamie one month's imprisonment in Tolbooth of Stonehaven; Ann Creggie, Ann Taylor, Martha Colvin, and Christian Blews, fourteen days imprisonment in the Tolbooth of Stonehaven, and thereafter to remain therein until they shall find caution, under the penalty of three hundred merks Scots, for their good behaviour for two years; and, because of particular circumstances, Margaret Jamie and Simpson to be incarcerated in the Tolbooth of Stonehaven, only until they find sufficient caution for their good behaviour for two years.

MISCELLANEOUS PAPERS.

UNTO the Right Honorable the Lord Chancelluor and remanent Commissioners, appoynted for regulating of Trade betwixt the Royall Burrows, Burghs of Royalty and Barrony,

The Petition of Robert Scott, and James Thomson, burgesses of Bervie, and indwellers in Stonehyve, for themselves, and in name and behalfe of the rest of the inhabitants of the said Burgh of Barrony of Stonehyve.

HUMBLY SHEWETH,

That where the said town although a burgh of barrony, belonging to the Earle Marishal, yet the samen was never a town of any trade but fewars to the said Earle, they never having any trade or shipping from abroad, and any goods they sell within themselves they buy the samen either from the merchants of Montrose or Aberdeen, and the only royal burgh in the shyre is the town of Bervie, and who have the only little trade that is, and any merchant that lives in Stonehyve payes stent to the town of Bervie yearly, and although the town of Stonehyve hath been at ane vast charge and expense for building of ane harbour and yearly repairing the samen, it lyeing to the open Ocean, and is of great use, and saves many ships, passing south and north in time of storme, when they can have no other harbour to shelter, yet there was not a ship unloaded there these nyne years past, but one with dales which belonged to ane merchant who payes yearly stent to the town of Bervie. And it is farder to be considered, that as they have no trade with staple commodities, or other goods,

they have been at great loss since the Revolution by haveing alwayes some of the troops quartered on them in the winter tyme, and whenever the foot marched south and north they were quartered alwayes a night both in comeing and going (it being twelve miles from Aberdeen and sixteen from Montrose), whereby the inhabitants were greatly prejudged, and many of them brought to poverty, the soldiers haveing oft tymes gone without payeing ther quarters, and particularly Pollock's troop are due to the inhabitants six hundred merks, contracted in one winter, whereof they could never recover a sixpence, notwithstanding there was several applications made for the samen. And the place is known to be so poor that the Burrows, in July last, gifted them three hundred merks for helping their harbour, and if they got not some allowance yearly, they will not be able to support the samen, having brought themselves so low in building the new pier. And it is very well known that the harbour saved many ships from the French capers dureing the tyme of the warr, and which Captain Livingstone, then governor of Dunnottar Castle, can very well testifie, he haveing given often tymes assistance both with the guns and his souldiers.

May it therefore please your Lordships to take the premiss to your serious consideratione, and to free and exeem us, the inhabitants of Stonehyve, from any proportion of the taxt to be laid on by the royall burrows upon the burghs of barrony or regality, both for bygones and in all tyme comeing, seeing we have no trade, nor vends any goods but what we buy from merchants of royall burghs.

Edinb. 20 March, 1699.

The Commissione of Parliat. haveing considered this Petitione, They modifie two shill. four pennies Scots of

the taxt roll to be payed by the toun of Stonehyve monethly, with releife to them from all onfrie Traders within the Shyrdome of Kincardin.

MARCHMONT, Cancellar. I.P.C.

RIGHT HONORABLE,

The enclosed act and instructions being emittid by His Majesties command, for drawing out a fourt part of the standing militia, that they may be the more frequently exercised and made acquainted with the dissipline of warr. By which you may perceave the Councill has thought fitt to put you to the trouble to convene the Commissioners of the militia to their first meeting, and be present thereat, and at the first randevous, Where we expect you will doe and use yr. best assistance for beginning and carrying on that service. Be pleased to deliver and cause make open the enclosed letter from us to the Commissioners at their first meeting, and to render us ane account of their prods. at the two first dyets conforme to the instructions, signed in name and by warrant of His Maties. privy Counsell By

Yor. Lop. most humble servant,

Edr. 29 June, }
1680. }

ATHOLL. I. P. D.

For the Earl Marischall
For his May. Service
in haste. } THESE }

The Letter to the Commissioners, and act and instructions inclosed therein, and referred to in the above letter, are as follow.

RIGHT HONORABLE,

His Majestie from the great and tender care he has for the peace and happines of this his antient Kingdome, having signified to us his royall will and pleasure that ffyve thousand foot and ffyve hundreth horse, of those twenty thousand foot and two thousand

horse of the standing militia, established by Act of Parliat., should be drawn out of the several shires and burghes (being a fourth part of the whole, not including the militia of the toun of Edr.), according to the rule of proportion, to be divided in five regiments and troupes, to the effect they may be the more frequently exercised and made acquainted with the dissipline of warr, and hath given commissions to experienced soldiers to command them in the severall shires. In obedience and conforme to his Maties. commands, we have emitted the enclosed printed act and instructions. By which you may perceave what his Matie. requires and expects of you. We doe desire that according thereto you may with all possible care and diligence cause raise and deliver yor. several proportions to the officer that is appointed to command, who will be present at your first randevous to receive them, and goe about and performe what is otherwise committed to you in that particular service, conforme to your instructions. We have appointed the Earle Marischall to convey you to yr. first meeting and to be present, and witness yor. procedr., and to be present at your first randevous, from whome, and you, wee expect a returne of yor. diligence and obedience after your first meeting, you are to choise yor. owne conveyener. This being ane affair wherein his Maties. speciall service, the honor, saftie, and peace of the Kingdome is so much concerned, wee doubt not of your ready compliyanse and obedience, which is expected by his Maties. Privy Councill, for whose name and by whose command This is signed by Edr. 29 June, }

1680

Yor. humble servant,

ATHOLL. I. P. D.

For The Commissioners of the Militia of the
Shyre of Kincardin and Marshall part of
Aberdeen.

Stonehaive

Ed.

THESE.

Advertisement anent the Commissioners of Excise, and Militia.

AT *Turreff*, the first day of *June* One thousand six hundred and eighty years, the Earls of *Errol*, *Dunfermling*, and *Kintore*, finding that the present attenders of the *Militia* of Horse and Foot, have served their time as Leaders in the *Militia*, according to the Act of Parliament, and that it was necessar there should be a new list of Leaders of Horse and Foot within their Divisions, or at lest, that the last Order should be renewed to those who shall serve for the future, and such proportionable helps appointed to them as was done in the first constitution of the militia. And finding, that there were a small number of Commissioners there for going about that work, notwithstanding that there was intimation formerly made that the Commissioners within their *Lordships* Divisions, and all others concerned, should have attended at *Turriff* this day to that end. Therefore the said noble *Lords*, with consent of the Commissioners of *Aberdeen* and *Banff* shires there present, doe appoint the whole Commissioners within the said Divisions of the shires of *Aberdeen* and *Banff*, together also with all such Leaders of Horse and Foot within the saids Divisions as shall find themselves concerned to attend, to meet at *Turreff* the first Tuesday of *July*, for renewing the order of *Militia*, conform to the Act of Parliament, and instructions to be given thereanent: And appoints the Earles of *Marischall* and *Aboyn*, their divisions within the shires of *Aberdeen* and *Mearns*, to meet at *Aberdeen* the second Tuesday of *August*, for establishing the *Militia* accordingly within their Divisions; and ordains the clerks with the Rolls, Acts of Parliament, and instructions thereanent, to attend the above named Dyets. And that none interested may pretend

ignorance, thir presents are appointed to be printed and published be the Conveener of each parish the next Lords-Dayes.

HARIE ELPHINSTON.

Given under the hand of Harie Elphinston, Collector of His Majestie's Annuitie within the Shire of Aberdeen, by Order from the saids noble Lords, and others present at the said Meeting.

The Laird of Elsicks Division for 100 ffoottmen to be putt out to the Militia of the Shyre of Kincardin, in 1680.

	men.	qrts.
Imprimis from the lands of ffarnieflatt and Largie	04	: 00
Yr. of Redcloack is to contribut for half ane quarter, and Doctor Frasers lands in the parochine of Dores half ane quarter.		
Bridgford in all	02	: 00
and contribuittes to Piddrechie fore ane quarter.		

(DUNNOTTAR PAROCHINE.)

Earle Marischall with Over Creggie ...	08	: 00
Countess of Marischall	08	: 00
Urie	03	: $\frac{1}{2}$
Fiddes Lands	03	: 00

(FETTERESSO PAROCHINE.)

Redcloack	00	: $\frac{1}{2}$
and contribuittes to ffarnieflatt for half ane qrter.		
Coutine with John Auchinleck	0j	: $\frac{1}{2}$
Ferrachie and Kirktowne of Fetteresso ...	0j	: 00

	men.	qrts.
has half a quter. to be had from the Ladie of Leyis Joyntur in over Banchorie.		
The Sheriff Clerk	0j :	$\frac{1}{2}$
J. Andersons woodsets Monquhich	0j :	00
hes a ffyft pairt to be hed from Ramoir.		
Muchalls	04 :	$\frac{1}{2}$
and contribuittes. to Lagavine for half a qrter.		
Elsick	05 :	00
has ane qrter. to be hed from ffindlaystone.		

(DOORS PAROCHINE.)

Doctor Frasers Lands there	08 :	00
and contribuittes to ffarnieflatt and Largie for half a qrter.		
and to Leys in Over Banchorie for a 'sax- teint pairt.		
Master James Youngsone and James Frasers wodsets	0j :	00
has a saxteint pairt to be hed from wester Ravinshoe.		
Blaridrynes	0j :	00
has a fourt pairt to be hed from Findlaystane.		

(STRACHINE PAROCHINE.)

Spittelburne and Heddrieaugh with Maister William and major James Burnetts wod- setts there	02 :	00
has ane qrter. to be hed from Maister Thomas Reid in Banchorie.		
Cornet Barhames wodsets.		
Maister Andrew Couttis.		
Craigmylles wodsetts.		
Drum in Strachane and Banchorie parochines.		
Has qrter. & half qrter. to be hed from Glendy.		

(BANCHORIE PAROCHINE.)

Laird of Leys there	men. qrts.
has ane saxeint pairt to be hed from Doctor Fraser.	02 : 00
Ladie of Leys Joyntur	02 : 00
and contribuittes to fferachie for half a qrter.	
and to the Laird of Leslie for ane saxeint pairt.	
Ladie of Glenbervies Joyntur	02 : 00
Maister Thomas Reid	02 : 00
and contribuitts for Mr. Wm. and Major James Burnetts wodsets in Strachane for ane qrter.	
Tilliquhillie	0j : 00
has half a qrter. to be hed from Pitfoddelles.	
Clunie	0j : 00
has half ane qrter. to be hed from Monnimusk.	
Roemoir	0j : 00
and contribuittes to James Anderson for a ffyft pairt.	
Inchmarlo	0j : 00
and contribuittes of Glaslo for a ffyft pairt.	
Glaslo	0j : 00
has a ffyft pairt to be hed from Inchmarlo.	

(MARIECOUTER PAROCHINE.)

Pitfoddles in all the thrie Neather parochines	0j : 00
and contribuittes to Tilliquhillie for half a qrter.	
Auchlunies	0j : 00
and contribuittes to Kincausie for half a qrter. saxeint pairt.	
Kincausie in all	02 : 00
yrof. Auchlunies is half qrter. saxeint pairt.	

(NETHER BANCHORIE PAROCHINE.)

	men.	qrts.
Portlethine	02	: 00
has a third pairt to be hed from Kirkhills.		
Leslie	03	: 00
Monnimusk	03	: 00

Summa on both pages is...100 men.

Ther being thiertie horse due ffurth off this shyre to the E. of Aboyne, besides the tenn horse due to the new Moddle. The outreik appointed by the Commissioners is ane hundred and twentie pound for ye price of the horse, and three score pounds ffor the outrigg and furnishing of men and armes qch. in all is j80 lib. For ilk horse, which j80 : 00 : 0

being proportioned on ye. 30 horse ilk hundred lib. rent is charged with 7 : 4 : 5, and of Excesceing 8s. 07 : 04 : 5

Item the tenn horse are to have ye. same allowance for ilk horse and ryder, and being proportioned on the tenn horse everie horse being put out by 7408 lib. ilk j00 lb. of valued rent is burdned with 2lb. 8s. 2d. Excesceing j lib. 8s. 4d. 02 : 08 : 2

Item ye tenn horse are to randesvouse thretie dayes, and for ilk day to have j8s. qch. extends to 288 lib. qch. proportioned is 7s. 9d. and Excesceing j lib. j4s. 00 : 07 : 9

Item the 75 foot is to have 6s. for ilk day of the 32 days randesvouse. Inde ilk j00 lib. rent is 00 : j9 : 3

Item the 75 foot are to have p. piece 40

mks. for outrigg, qch. on 997 lib. 7s. of
 which to ilk joo lib. rent ... 02 : j3 : 4

Less the proportional outrigg of 2 lib.
 j3s. rent.

Item the 225 ffoot are to have 40 mks.

p. piece for their outriggs, is ... 07 : j9 : 0

Act by the Sheriff and Justices of the Peace
 prohibiting the exportation of grain out of the
 County.

AT STONHYVE The fifteenth day of April, one thousand seven hundred and forty six years, In presence of John Young, of Stank, Sheriff Depute of Kincardineshire, Sir Alexander Ramsay, of Balmain, Sir William Nicolson, of Glenbervie, Sir William Ogilvy, of Barras, Barts. ; John Arbuthnott, of Fordon, James Burnett, of Monboddo, and James Thomson, of Portlethen, Justices of Peace of the said County, met to consider the state of the County with respect to the scarcity of victual, &c. The said Sir Alexander Ramsay elected Preses of the Justices of Peace. The Sheriff and Justices of Peace having met here this day to consider the state of the Shire with respect to the scarcity and dearth of grain. And finding that just now there is a demand upon the shire by His Royal Highness the Duke of Cumberland, for above two thousand bolls of oatmeal for the use of the army. And considering that several Heritors of the shire have sold their farms to go out of the shire, and that some of them are not yet delivered, and that if any corns of whatsoever kind is allowed to be sold out of the shire, there will not be a sufficient quantity left to subsist the people of the shire until next harvest. To remedy and prevent the prices of corn

within the county arising to a height, and to give relief to the poor of the county who are immediately in very great distress, They hereby prohibit and discharge all Heritors, Factors, Farmers, and others, within this county to export or carry away any oats or bear, oat or bear meal, or other corns whatsoever out of the county. As also they prohibit and discharge the Heritors and Factors who have sold their farms to persons out of this county from delivering the same out of the county under the penalty of three pounds Scots money for each boll that any person shall sell and deliver out of the shire, or deliver what is already sold, one half of which penalty to be paid to the informer, besides confiscation of the victual, if the same can be seized within the shire : And the said Sheriff and Justices grant warrant to every person to stop and seize all victual whatsoever that shall be attempted to be transported out of the county, and ordains them to inform the Sheriff and Justices thereof that the offenders may be prosecute for their contempt : And the Sheriff and Justices grant warrant to, and ordain their Procurators Fiscal respectively to prosecute every person who shall contravene this present act in any sort. And they ordain all persons who have meal that they can reasonably dispose of, to sell the same at the following prices to the country people or others within the county that need and demand the same, vizt. Oat meal, at seven pound four shilling Scots money by the boll, and seven pound eight shilling by pecks and firlots ; and bear meal, at five pound twelve shilling Scots by the boll, and five pound sixteen shilling by pecks and firlots. For each boll and peck respectively that any person shall sell above the foresaid prices, one half of which shall go to the informer, and ordains their Fiscals to prosecute all contraveners. And as there are several gentlemen in

the county who are not able to deliver their proportions of the Two Thousand Bolls of meal demanded for the use of the army, Therefore the said Sheriff and Justices hereby ordain all persons who have sold their farms out of the county which they are now prohibited to deliver, in the first place ; and the Heritors that have not sold their farms, in the second place, To deliver in such quantities of oatmeal as they shall be ordered by the Sheriff or Justices of the Peace, as are able to make up the deficiency of those who have it not of their own to deliver, to make up the said Two Thousand Bolls of oatmeal for the army's use ; and ordains the other Heritors to assist them in the carriage, as they are called. And ordains every Heritor to transmit to the Sheriff a genuine account of what oatmeal they are able to deliver in for the use of the army, upon which they are able to make faith. Certifying to such as refuse, or neglect to deliver the proportion demanded, and are afterwards found to sell or have any more than they absolutely need for the subsistence of their families, that they will be reported to His Royal Highness the Duke, and punished as the crime deserves : And the said Sheriff and Justices ordain their Clerk to cause publish this present act at the several parish churches throughout the county next Sunday : And also to send Excerpts thereof to the Viscount Arbuthnott, Lord Haulkerton, Sir William Nicolson, of Glenbervie, Sir James Carnegie, of Pittarrow, and Archibald and James Allardice, of that Ilk, who are the Heritors they are informed who have sold their farms to be delivered without the county : And to Mr. Middleton, of Fettercairn, Mr. Keith, of Craig, Mr. Scott, of Brotherton, Mr. Scott of Benholm, Mr. Aikman, of Kirktonhill, Sir Alexander Burnett, of Leys, William Burnett, of Crigie, and the Factor of Durris ; William Bartlett, Tacksman of Fetteresso,

James Strachan, Tacksman of Fernyflatt and Largie, and every other Heritor and Tacksman within the county, that the clerk shall be informed has either sold their victual to persons without the county, or have it yet unsold.

APPOINTMENT OF A HANGMAN.

At Stonehaven, the fifth day of November, seventeen hundred years. In presence of Mr. James Keith, of Auquhorsk, Sheriff-Depute of Kincardineshire.

The said day, compeared John Weir alias Sutherland, son to the deceased George Weir alias Sutherland, sometime at Sutherland Bridge at Caithness. And enacted, bound, and obliged him, And hereby enacts and obliges him that he shall officiate and discharge the office of common executioner, hangman, and scourger, within the Sherifffdom of Kincardine, during all the days of his lifetime, and shall live and behave himself honestly, lealily, and truly, during the space foresaid, He always getting and receiving from the said Sheriff-Depute, a peck of meal, or the price thereof, each week during the said space, with an acknowledgement such as the Sheriff pleases for each man that shall happen to be execute and put to death, with a house to live in, and the hangman's croft or the meal thereof in case he do not dwell thereon. Likeas he grants the receipt of a pot, crook, pair bowells, pair of tongs, two chests, bassie, cap, &c. In like manner the said John Weir obliges him to the performance of the hail premises under pain of the highest corporal punishment the Sheriff shall inflict upon him, in case of failure.

DECLARATION by Kirk Officers as to their having affixed a summons to church doors, ordering all persons to deliver up their arms at Laurencekirk, on the 27th May, 1748.

At Stonhyve the 30th day of May 1748 years, in presence of Sir William Ogilvie of Barras Baronet, one of His Majesty's Justices of the Peace for the county of Kincardine.

COMPEARED the following Kirk Officers, vizt :—James Stephen, Fettercairn ; Alexander Cairncross, Marykirk ; William Tod, Arbuthnott ; William Still, Nether Banchory ; Alexander Beattie, Strachan ; John Inglis, Benholm ; Robert Robert, Bervie ; John Pirie, Durris ; Robert Clark, Glenbervie ; James Clark, Kinneff ; James Cant, Dunnottar ; James Burnett, Fetteresso ; James Peter, Nigg ; John Gillespie, Upper Banchory ; and James Falconer, Fordoun ; who all deponed, that they did affix to the church doors of their respective parishes, a summons under the hand and seal of Humphrey Bland, Esq. Commander of His Majesty's Forces in Scotland, ordering the hail persons within their respective parishes to deliver up their arms and warlike weapons to him, at Laurencekirk, within the Town-House thereof, upon the twenty seventh day of the said month of May, 1748.

EXTRACTS FROM MINUTE BOOK OF THE MANAGERS OF
THE BURGH OF STONEHAVEN.

14th May, 1753.—Alexander Duncan represented to the managers present, That there are three carriages of cannons belonging to the town that are of no use to it, and there are some iron belonging to them in the custody and under the care of some of the inhabitants, which is proper should be roused. Appointed to be sold.

The managers prohibit and forbid that, no person lay out muck or any kind of filth on any part of the streets ; and considering that the streets are much incommoded thereby just now, by keeping middings of earth on them, and the policy of the town much spoiled, order them to be removed ; and also discharges all and every person from laying down muck or any kind of nastiness in the water yeat, with certification that they will be prosecute as contemnors of authority.

5 November.—The managers agree that James Paterson, their officer, shall be always employed by the inhabitants for going through the town with the hand-bell, making intimations of any particular that

may be stole, lost, or roused, &c., and prohibits any other person from doing so, except in his absence.

The managers order Gideon Kemlo, the Treasurer, to furnish a Red Sey Coat and Breeches to James Paterson, officer, to be wore by him at the meetings of the managers, and upon the mercate days of the town, and at no other time except on Sundays, and appoints it to have a shoulder knot.

5 *August*, 1745.—The managers ordain the Treasurer to pay the Guinea that was allowed to be drunk upon the King's birth-day last year, for the drink upon that occasion.

Whereas the harbour has been inspected and is found to be foul, and a great many stones being in the south and south-east end of the harbour, The managers therefore ordain Robert Scott, Alexander Duncan, Gideon Kemlo, and John Durie, or any two of them, to hyre and employ twelve workmen, and the whole masons in the town, and to call them out along with the whole inhabitants of the town, conform to a list to be made out by the Clerk, to be employed to clean the harbour, and upon Monday the ninth current, and such other days as they shall think proper : And ordains the same to be intimated to the inhabitants, that if they fail to attend they will be ffyned in terms of Law.

7 *October*.—James Paterson, officer, intimated that all the inhabitants of the town had come out by themselves, or others employed by them, and assisted in cleaning the harbour, agreeably to the former appointment, except John Duncan, John Maule, and Robert Burnes, writers in Stonehaven ; William Braemer, wright ; John Strachan, workman ; Alexander Hantoun, workman ; James Robertson, tailor ; James Murray, butcher ; Alexander Anderson, brewer ; Robert Milne, tailor ; John Collieson, weaver ; Peter Morgan, carrier ; Alexander Catto, merchant ; Alex-

ander Gibbon, carpenter ; Thomas Stead, brewer ; William Watson, mariner ; and Robert Watt, cooper. The managers ordain the said James Paterson to call out the above named persons again, to assist in cleaning the harbour upon the 15th instant, with certification if they fail they will be proceeded against in terms of Law ; and appoint the said Gideon Kemlo and Alexander Duncan as overseers to direct the said persons in working.

The managers having observed that there are several peat stacks built on the streets, whereby the town is greatly endangered in case of fire happening in it, they therefore discharge all and every person from bigging stacks on the streets in all time coming.

7 April, 1755.—The managers ordain the following letter from John Burnett, Jur. merchant, Aberdeen, to them, to be recorded. “Aberdeen, 23d November, 1754. Gentlemen, whereas you have granted me a liberty to ride some chests in your harbour, for holding Lobsters, I return you thanks therefor, and if they should prove any inconveniency I shall, at your desire, remove them. I am informed you demand a small sum of two shillings Sterling yearly, for this liberty. This new undertaking is already loaded with too much charge, however, if you insist on it, I shall pay that likewise, and am &c.”

31 October.—The Sheriff highly approves of the managers' management and conduct ; and in order that the chief manager may enjoy a proper jurisdiction for executing the duties of his office within the town of Stonehaven, the Sheriff hereby nominates and appoints the said chief manager, Mr. William Wise, merchant in Stonehaven, to be his Substitute, with all the powers as formerly mentioned to that effect.

(signed) Francis Garden.

17 July, 1756.—Robert Fiddes, the town officer,

having disobeyed the managers' commands with respect to the affairs of the town, and using insolent language to them, they unanimously agree to discharge him.

2 *November*, 1757.—The managers having certain information of the Plague being broke out lately at Lisbon in Portugal, they have thought proper to come to the following resolution, for preventing any effects thereof that might arise from any ships coming from foreign parts, especially from Portugal, vizt. The managers having instantly called before them the pilots and principal fishermen of Stonehaven, they intimated the same to them, and hereby prohibit and discharge them, or any of them from boarding any ship or vessel on the coast, until they shall have first certain intelligence of her having come from no port in Portugal or other foreign place or port, and upon them having any suspicion of the contrary, they are hereby decerned and required immediately to intimate the same to the managers, that they may recieve from them the proper directions thereanent, with certification, That the transgressors of the above rules shall each of them be not only liable in such fyne as the managers shall see proper, but also suffer fferty days imprisonment, or otherwise be punished as their offence deserves.

28 *December*, 1759.—The managers having taken into consideration the Sheriff-Substitute's sentence of the 6th December curt., in a process at the instance of John Lawson, the town's Quarter-master, against several persons in the lands of Urie that had been deficient in furnishing their quotas of baggage-horses for transporting His Majesty's baggage from this place in July last, by which sentence the said Sheriff has found, that the said John Lawson, as Quarter-master appointed by the town, has no tittle to order out or press horses or carriages, but that the same ought to be provided in manner directed by the Scots Laws before the Union,

and consequently that the managers of the town have no authority to name a Quarter-master. The managers have therefore resolved that the town shall have no farther concern in the nomination of a Quarter-master, or paying his salary, and they hereby accordingly discharge the said John Lawson from his office of Quarter-master in every respect, and from quartering any soldiers or calling out any horses or carriages for the future : And appoints this resolution to be intimated to the Convener of the Commissioners of Supply, that they may provide a Quarter-master as Law directs.

15 May, 1760.—The managers considering that the Bogwell stood much in need of a fountain and cistern of stone, to gather and keep the water clean for the use and benefit of the town, they applied for a voluntary contribution through the town to defray the expense thereof ; but that not being sufficient for finishing the said necessary work, they agreed that the same be completed, and the balance of the expense paid out of the public money, being 18s., conform to David Craig's account.

There was this day presented to the managers a petition from the trades of the town ; Shewing, that, above fifty years ago, upon a complaint being made to Earl William Marischal by the trades of Stonehaven, setting forth the burden the merchants of this place imposed on them, of annually paying the tenth part of the stent and missive dues which ought only to be paid by merchants, and Earl William Marischal, on considering the complaint, did then order, that for the future, the trades should be entitled to one tenth part of all fforeign cargoes, at the merchants' price, that should be imported at this harbour, so that the profits of the said tenth part, might, in part, make them amends for the share they bore of the public burden ; and in consequence of the said order, the trades from time to time

did receive the tenth share when they called for it : But of late, through negligence or inadvertency, the said tenth share has not been demanded by the trades, upon which account the merchants do not think themselves obliged to give it off to the trades any more. And as there is a fforeign cargo just now in the harbour, purchased and to be unloaded here, the trades at this time claim their share as aforesaid. And praying that it might please the managers to assist the petitioners in making good and bringing into use their former title, and that it will likewise please the said managers to cause minute the same in their town court books. (so signed) William Smith, James Officer, William Middleton, John Thomson, John Morgan, James Forrest, James Morrison, Robert Watt, James Kemlo, William Rae, William Bramer, William Leighton.

The managers having considered the above petition, find the desire thereof reasonable, and find the trades of the said town entitled to the tenth part of all cargoes imported by fforeigners, at the merchants' price, they paying the tenth part of the town's cess for the merchants, and also paying a proportional part of the duty effeiring to the said tenth, to the purchasers of such cargoes over and above the foresaid prime cost thereof. (so signed) Alexr. Jolly, Gideon Kemlo, John Robertson, William Falconer, Willm. Smith, Jo. Duncan.

3 *November*, 1760.—That upon Lord Marischall's arrival in town, upon Sabbath the fifth day of October last, the managers, at the desire and with consent of the ffeuars and inhabitants of the town, appointed a public rejoicing to be upon the sixth of that month, at the expense of the town, which was accordingly made.



HERE LYES ANE HONEST

OF PEST



MAN MAGNVS TAILIOVR SEYMAN QVHA DEPAIRTT

IN NOVEMBER

HEIR LYES ANE

B R O K I E W H ^O
 D E P A R T E T
 T H E 1 2 O F
 J W N I E O F
 T H E A G E
 O F T V A L F
 A N D N Y N
 Y E I R S O L D
 I N A N O 1 6 4 8



AND WILLIAM

BROKIE SONES LAWFUL TO ALEXANDER

HONEST MANS BAIRNS ALEXANDER

These tomb-stones were discovered some years ago, in a garden at the back of the County-hall, and near to the *Bogwell*. The place to which they have been removed is within a few paces of their original site. About eighty years ago, while this garden was a piece of waste ground, some people in Stonehaven, who were then schoolboys, remember having amused themselves by *sliding* on these monuments, which pastime, no doubt, has rendered one of them much more unintelligible than it otherwise would have been. The tradition of the place is, that they were erected to the memory of those who had died of plague; and it is supported by the fact, that on the oldest stone, although much defaced, the words "*of pest*," at the upper left hand corner, are still quite legible. While workmen were employed in cutting a new line of turnpike road, which runs along the brae, various coffins and human bones were discovered in the *Malt-man's how* or hollow, not far from the place we have mentioned, which tradition had long pointed out as the resting place of the victims of plague, and which appears to have visited Stonehaven in the years 1608 and 1648.

In the Old, as well as in the Newtown, but more particularly in the former, human bones have been frequently dug up, at no great depth from the surface of the earth. On digging the foundation of the Oldtown steeple, two coffins were discovered of rude and simple construction, composed of a slab raised along each side of the body, and another placed over the chest, leaving the upper and lower extremities uncovered. In the north east corner of Rodney street, Newtown, another coffin, similar to those we have mentioned, was discovered about ninety years ago. It is very remarkable that the stone coffins, which, from time to time, have been fallen in with in Stonehaven, are all of the same description; but to what age they belong, or to whom

this mode of sepulture was peculiar, we leave it for the speculative to determine.

HISTORICAL FACTS IN CONNECTION WITH THE REGALIA
OF SCOTLAND, ON THEIR REMOVAL FROM THE CASTLE
OF DUNNOTTAR.

In the parish church of Kinneff, two tablets are erected, one to Sir George Ogilvy, of Barras, Bart., Governor of the Castle of Dunnottar; and the other, to the Rev. James Grainger, minister of the parish of Kinneff. The translations of the epitaphs are as follow:— Sacred to the everlasting memory of Sir George Ogilvie, of Barras, Baronet, who being Governor of Dunnottar Castle, for sometime bravely defended it against the forces of the English parricides, but was at last compelled to surrender it; not, however, until, by the assistance of his wife, Lady Elizabeth Douglass, the Insignia of Scottish independence, namely, the Crown, Sceptre, and Sword, which had been there deposited, had been secretly removed thence, and placed in safety in the church of Kinneff. On account of these distinguished services to his Country, and his constant and unstained loyalty to the Royal Family, he received the dignity of Knight Baronet, by Letters Patent, granted by the King, the 13 day of March, 1660. His Armorial Bearings being augmented by the arms which his family use to this day. Moreover, by a Charter under the Great Seal of Scotland, the right granted him of holding his lands by the tenure which is commonly called Simple Wardship is directed to be changed into White Land. In both these Deeds his great fidelity and distinguished service to his Sovereign are mentioned with the highest praise. Sir David Ogilvie, Baronet, grandson to the above mentioned, died the 5th day of

December, 1799, aged 70 years. Lady Ogilvie, his wife, died the 17th day of January, 1800, aged 53. Both are buried in this church.

We may observe that, for many years, this epitaph was only painted on the stone, but the last of the Ogilvie family caused it to be cut. It is matter of regret however, that the person who was employed to execute the work did not cut the character of letter as painted, instead of adopting the modern one, as, at some remote period, Antiquarians not being aware of this fact may be apt to raise doubts as to its antiquity.

("Scotia, Grangeri, cui Insignia Regia debet Servata,
hic cineres reliquiæque jacent.

Abstulit, obsesso, pæne hæc captiva, Dunottro, Condidit
et sacra, qua tumulatur, humo.

Præmia dant Superi. Patrii servator honoris Sceptra
rotat superos inter athleta choros.")

Here lie the mortal remains of Granger, to whom Scotland owes the preservation of her Regalia. At the siege of (the castle of) Dunnottar, when these were on the point of being taken, he carried them off, and deposited them in the sacred ground where he is interred. Heaven bestows the reward. The heroic preserver of his country's honor wields a sceptre in the realms above.

ANCIENT SEPULCHRE.

(*Malcolm's Mount.*)

Below an ancient cairn or *tumulus*, in which, some years before, some sepulchral urns are said to have been found, on a gently rising eminence at Ferrochie near Stonehaven, while some labourers, on the fourth of January, 1822, were engaged in digging materials for repairing a road, they came on an ancient grave. On reaching the centre of the eminence the progress

of the workmen was impeded by several large stones, and when these were removed, 4 feet 6 inches below the surface of the ground, the top of a coffin appeared, a whinstone slab 7 feet long and 4 broad. The sides and ends were found to be composed of 4 stones of the same kind as the lid ; length 4 feet 1 inch ; breadth 2 feet ; depth 20 inches.

The whole of the bottom was covered with pebbles, evidently from the sea-beach, a mile distant. Along the top, for about 11 inches, immediately above the pebbles, was a carpet, curiously wrought in hair in the manner of a modern hearth-rug. Above this, was a bolster, as it were, of turf, and again on this a pillow formed of some vegetable substance, like hops when taken from the original package. On this pillow had been placed the head of the departed, and on it lay a large quantity of beautiful auburn hair, some of it more than 5 inches long. No part of the skull remained in its proper form. It had fallen into reddish dust ; but the print of it, even at the second examination when the vegetable substance was found to be much decayed, was distinctly seen imbedded in it. Though in a very far advanced state of decay, enough of the bones remained to show that they were those of a full grown person, and from their relative position that he was about the middle stature. The body had been laid on its right side, and the bones of the knee were found near the foot of the coffin, making it evident that the legs had been folded back. The whole substance of the body had passed into that fatty matter called adipocire, found in the cemeteries of Paris, and many other places. Near the breast of the corpse was a box, resembling a section of a cocoa-nut shell, having an oval top, 4 inches by 3, of a very thin piece of wood finely smoothed, and sewed into it, very neatly, as appeared from the marks of the stitches. Along the

lower end of the coffin, there were found, not under 150 small black balls, which on examination proved to be vegetable, and are most probably acorns. But no part of the contents of the tomb attracted so much attention, at the first opening of it, as a rob of net work, in which the whole body had been swathed. It must have been wrought with a high degree of art, shewing various figures, particularly an oval one (from its position, most likely the covering of the face of the corpse), which had all the elegance of a compartment in the border of a modern shawl, or lace veil. The materials of which this net work is composed, cannot be discovered; neither can it be discovered of what substance the box is formed, nor what were its contents. The matter in it when first seen had a reddish, yellowish hue, and was unctuous to the touch; but on being removed it soon became hard and earthlike.

Part of each of the various contents of the grave are now in the possession of the proprietor of the ground, Mr. Duff, of Fetteresso. With the exception perhaps of the hair, the whole is fast posting to whence it came—and soon will be only dust.

An eminent Antiquary, in answer to a letter respecting this tomb, says, “I have not the smallest doubt that the grave is that of Malcolm I., being previously informed on good authority that he was killed there. My authority was and is Father Innes’ Critical Essay on the Ancient Inhabitants of Scotland (by far the best book we have on these subjects), vol. 2nd, Appendix, p. 786, copied from one of the Pictish Chronicles, found among the Colbertine MSS. The account of Malcolm ends thus,—‘*Et occiderum viri na Moerne Malcolaim in Fodresach in Claidam.*’”

It is difficult to entertain doubt on the point of probability, after considering these authorities. Did they need support, the situation of the grave would

afford it. Etymologists say that Fodresach means, in Celtic, a flat between two streams. Now the rising ground on which the tomb was discovered, stands on the plain between the Carron and Cowie ; and in fact more properly Fetteresso than any other spot in the extensive parish of that name.

The tomb is preserved in its original state ; and the late Mr. Duff enclosed it, and planted shrubbery on the top of the mount.

ANCIENT COINS.

About the beginning of the year 1842, the son of a person who held a small possession in the ancient forest or common of Cowie, about three miles north from Stonehaven, in digging a stone for the purpose of blasting, came upon a deposit of ancient coins, buried about three feet deep in the earth. They had been contained in a coarse earthen vessel of unbaked or halfbaked clay, of a yellowish colour, similar to that commonly found in ancient *tumuli*, only a small portion of which remained ; the mass however still retaining its form. Those in the centre were very much decayed, those on the outside in better preservation ; but all were covered with the usual coat of very thick and hard green, and in some instances partially reddish, rust. On examination they proved to be Roman *denarii* (silver) of the Emperors Vespasian, Titus, Domitian, Nerva, Trajan, Hadrian, Antoninus Pius, Antoninus Philosophus, his colleague Lucius Verus, Commodus, and Septimius Severus, who died at York, and of whom and his wife so fine a piece of marble sculpture stands embedded in the wall of a house in the High Street of Edinburgh, opposite John Knox's house ; mentioned by Williams the painter, in his *Travels in Italy*, as a valuable piece of antiquity. There were also a good many of

Faustina, elder and younger, and several other Roman ladies. The fact of their having been found in the locality is of importance in a historical point of view ; more especially as the place is not more than a mile and a half or two miles distant from the ancient encampment of Rae or Righ Dykes, mentioned by Sir Walter Scott, in his novel of the Antiquary. The mark for finding them again seems to have been a small burn, or rivulet, which passes close past the stone mentioned ; and the forest or common of Cowie, although now entirely denuded, must have been at the period of their deposit covered with wood, as the many roots and fallen trunks of oak and birch trees, as well as hazel nuts, and other forest remains, still abundantly testify.

They had probably lain buried in the earth for fifteen or sixteen hundred years, and might have remained there for ever, but for the merest accident.

About the year 1841, a considerable quantity of copper coin was found lying on the surface of the earth on Cairn-mon-earn, by a carter employed in removing some stones for the purpose of building a new toll-house. They were of the size and thickness of small wafers, and appeared to be Scots pennies of the reign of Mary and Francis ; having a compound F and M on one side, with a lion rampant and crown on the other, and the motto *Veritas Vicit*—"truth hath conquered ;" which gave a miserable idea of the state of the country, when such was the current coin of the realm.

GEOLOGICAL STRUCTURE OF THE NEIGHBOURHOOD OF STONEHAVEN.

The geological structure of the neighbourhood of Stonehaven being rather peculiar, we are induced to

give the following account of it, for the information and guidance of geologists who may happen to visit the place.

Stonehaven is situated at the north eastern extremity of the great "Old Red Sandstone" field of Scotland, which rests on the southern flank of the Grampians, extending as far westward as the Firth of Clyde, and spreading over a large portion of the counties of Kincardine, Forfar, and Fife, in which last it is seen dipping under the Coal Measures. To the northward of the Grampian range, the old Red Sandstone is only to be met with in detached pieces, at Aberdeen, Gamrie, in Banffshire, and in the district of Strathspey, until we arrive at the northern shore of the Moray Firth, when it is again seen skirting the counties of Cromarty, Ross, Sutherland, and Caithness. It also appears in numerous isolated patches through Ross and Sutherland, crowning the tops of the highest mountains, naturally leading to the conclusion, that ere the lofty granite and gneiss mountains which now occupy the Highlands had been upraised, Scotland was covered with continuous beds of Red Sandstone; these mountains having, in the course of their upheaval, so broken the sandstone beds, as to lead to their denudation by succeeding floods, which have evidently swept, at an unknown period, over the Island.

Along the shore, to the northward and southward of Stonehaven, a fine and interesting section of the various rocks which girdle that bold and striking coast may be seen. At what is commonly called the "Paint Heugh," a ferruginous clay rock, a little to the north of the old Kirk of Cowie, the Old Red Sandstone is to be seen resting at an angle of not less than 80° , dipping to the S.E., and on the north or opposite side of that rock, the Chlorite Slate is to be seen dipping to the N.W., at a similar angle, suggesting the idea that the iron rock is the edge of the wedge, by which the beds

of Sandstone and Chlorite Slate have been tilted up into their present remarkable and unnatural position. The Chlorite Slate is known to extend across the Island in a south-westerly direction, as mentioned by Dr. Jameson, to Cowal in Argyleshire. In the neighbourhood we have been describing it contains a bed of indurated talc, and numerous veins of carbonate of lime and quartz. It rests on gneiss rocks of great thickness, which last in turn rest on the granite or syenite rocks that skirt the northern side of the county.

The Old Red Sandstone, from where it is first seen at the point described, southward to Downie, is a sandstone of various degrees of hardness and shades of colour from red to greenish ; and several beds, especially at the *Red Craig*, the quarry directly to the south of the harbour of Stonehaven, are found to answer well for building purposes. These beds are all nearly vertical, and cannot be estimated at less than 4,000 feet in thickness. At Downie the conglomerate begins, and continues to be the prevailing rock for several miles along the coast. From where it commences, to a little beyond the Castle of Dunnottar, the conglomerate has a vertical position. It soon after loses this, and by the time it has reached the south-side of Thorny-hive it has changed its dip from s.e. to a small inclination to the s.w. The vertical beds of conglomerate may be estimated at about the same thickness as the preceding beds of sandstone, making in all the enormous thickness of not less than 8,000 feet, and exciting the wonder of the beholder when he contemplates the vastness of the power required to raise so enormous a mass, from a horizontal to its present vertical position. In none of these beds have organic remains been found, although these are to be met with in the county, in micacious sandstones or flag beds near Canterland, which contain numerous prints of what appear to have been grasses,

with their fructification. It is not likely, however, from the nature of the rocks in the immediate neighbourhood of Stonehaven, that such remains will be found.

In the portion of the county occupied by the Old Red Sandstone, there are numerous and evident marks of volcanic agency, and trap and porphyritic rocks abound. A little to the north of the harbour of Cowie, a remarkable dyke of claystone porphyry is to be seen, running from east to west, and intersecting the beds of Sandstone which appear to have been indurated by its heat, which is also the case with the sandstone which is in the immediate vicinity of the ferruginous rock already alluded to. There is also another remarkable rock, near the Red Craig, attributable to volcanic origin ; a very hard red claystone. Besides these, there are numerous masses of porphyry and trap to be met with at Uras, Slains, and the Knock Hill, in the parish of Glenbervie. In fact there is scarcely an eminence in the district alluded to that does not owe its origin to the same agency, and on examination will be found to contain beds of these rocks.

Along the shore numerous caves are to be met with, inhabited by flocks of rock pigeons ; the most remarkable of which is one named from its great length, the Long Gallery, about a mile and a half south from Stonehaven. It enters the perpendicular face of the rock, which is here about one hundred and fifty feet high, by an aperture about forty feet high and thirty wide, gradually narrowing to the other end, where it also comes out in the face of the rock. It can be passed through its whole length, which is about two hundred yards, by a boat at low water ; which thus goes in at one aperture in the front of the precipice, and comes out at another ; being enveloped in total darkness in the middle.

Further southward, and about three miles from

Stonehaven, is a remarkable rock of the conglomerate or plumb-pudding species, called Fowl's Heugh, about a mile long, and two hundred feet high, quite perpendicular, and in some places overhanging, often visited by sportsmen on account of the innumerable sea fowl, of the kittiwake gull species, which resort to it in the breeding season ; finding convenient places for depositing their eggs in the recesses formed by the vacant beds of pebbles, which time and accident have abstracted. It is generally let to a tacksman, who plies his fearful calling in pursuit of the young birds by descending the precipice, by a rope, dangling in mid air, with twelve fathoms water below him, in the manner practised at St. Kilda.

It is farther noted for being the breeding place of that noblest of birds of prey, the peregrine falcon ; of which, each season, a single pair have their nest in the rock, and never more ; in accordance with the maxim adopted by these birds, " to suffer no brother near their throne ; " and if one of the pair happens, any one year, to be killed, it is observed that its place never fails to be supplied next year.

ORNITHOLOGY OF THE COAST.

Herring Gull	Red Shank
Kittiwake Gull	Sand Piper
Black backed Gull (only a visitor)	Tern
Arctic or Scua Gull, or Dirty Allan (a visitor)	Sea Swallow (a visitor)
Northern Diver (a visitor)	Sea Pie (a visitor)
Cormorant, large	Heron
Do. small black	Raven
Guillemot	Hooded Crow
Puffin	Jack Daw
Razor Bill	Rook
Dovekie	Rock Pigeon
Curlew	Peregrine Falcon
Whimbrel	Kestrel
	White or Barn Owl
	Sea-side Lark

ICHTHYOLOGY.

Cod	Halibut
Ling	Turbot
Haddock	Plaice
Whiting	Flounder
Gurnard	Sole (rare)
Herring	Skate
Mackerel	Thorny-back
Horse Mackerel (rare)	Sea Dog, or Dog Fish
Miller's Thumb	White Shark
Cat Fish	Crab or Parton
Coal Fish, Rock Fish, or Seath	Green Crab
Paddle Cock, or Pogge	Flying Crab
Conger Eel (rather rare)	Horrid Crab (rare)
Sea Lamprey (rare)	Shrimp
Nine-eyed Eel	Sea Egg or Urchin
Codling Eel	Sea Stars of various species
Hake (rare)	Medusa (various species)
Grey Mullet (rare)	Coralines, various
Sea Bream, or Perch (rare)	Seals—now becoming scarce, owing apparently to the
Bull Head	bag nets, which destroy
Cathy Toad-fish, or Angler	them
Sea, or six-spinned stickle back (rare)	Whales, of various species, from the great Finner,
Tobacco Pipe Fish	down to the Porpoise,
Cuttle Fish	particularly in the herring
Lobster	season.

LIST OF SHELLS OF MOLLUSCOUS ANIMALS, INDIGENOUS
TO THE COUNTY OF KINCARDINE, HITHERTO FOUND.

The names are those adopted by Professor MacGillivray, in his "History of the Molluscos Animals of the Counties of Aberdeen, Kincardine, and Banff."

LAND SHELLS.

Genera	Species	Vernacular Names
<i>Helix</i>	<i>H. aspersa</i>	Spotted snail
	<i>H. arbustorum</i>	Single banded snail
	<i>H. Hortensis</i>	Garden snail
	<i>H. Hispanica</i>	Bristly snail

Genera	Species	Vernacular Names
<i>Zonites</i>	<i>Z. rotundatus</i>	Radiated zone snail
	<i>Z. cellarius</i>	Cellar zone snail
	<i>Z. nitidulus</i>	Nitidulous zone snail
	<i>Z. lucidus</i>	Lucid zone snail
	<i>Z. alliarius</i>	Garlic scented snail
	<i>Z. crystallinus</i>	Crystalline zone snail
<i>Vitrina</i>	<i>V. pellucida</i>	Green glossy snail
<i>Succinea</i>	<i>S. putris</i>	Oval amber snail
<i>Bulimus</i>	<i>B. lubricus</i>	Glossy bulimus
	<i>B. obscurus</i>	Lustreless ,,
<i>Pupa</i>	<i>P. umbilicata</i>	Umbilicated chrysalis snail
<i>Clausilia</i>	<i>C. perversa</i>	Dusky clausilia
<i>Balea</i>	<i>B. perversa</i>	Reversed balea

FRESH WATER SHELLS.

<i>Limnæus</i>	<i>L. pereger</i>	Wandering mud shell
<i>Ancylus</i>	<i>A. flaviatilis</i>	Oval lid shell

MARINE SHELLS.

<i>Natica</i>	<i>N. momlifera</i>	Beaded natica
	<i>N. rutila</i>	Ruddy ,,
	<i>N. alderi</i>	Alder's ,,
	<i>N. nitida</i>	White ,,
	<i>N. helicoides</i>	Helicine ,,
	<i>N. squarida</i>	Dull Coloured ,,
<i>Trochus</i>	<i>T. zizyphinus</i>	Zizyphine pyramid shell
	<i>T. millegranus</i>	Granulated ,,
	<i>T. umbilicatus</i>	Umbilicated ,,
	<i>T. cinerarius</i>	Grey purple steaked ,,
	<i>T. tumidus</i>	Tumid ,,
<i>Littorina</i>	<i>L. littorea</i>	Common periwinkle
	<i>L. jugosa</i>	Rodged ,,
	<i>L. rudis</i>	Coarse ,,
	<i>L. saxatilis</i>	Rock ,,
	<i>L. petraea</i>	Smooth ,,
	<i>L. Beanii</i>	Bean's ,,
	<i>L. neritoides</i>	Flat topped ,,
<i>Turritella</i>	<i>T. terebra</i>	Auger turritella
<i>Lacuna</i>	<i>L. vineta</i>	Variable lacuna
	<i>L. pallidula</i>	Pallid ,,
<i>Rissoa</i>	<i>R. pullus</i>	Oval banded rissoa
<i>Tornatella</i>	<i>T. tornatilis</i>	Two banded tornatella
<i>Buccinum</i>	<i>B. undatum</i>	Waved buccine
<i>Nassa</i>	<i>N. incrassata</i>	Black spot nassa

Genera	Species	Vernacular Names
<i>Purpura</i>	<i>P. lapillus</i>	White whelk
<i>Fusus</i>	<i>T. antiquus</i>	White spindle shell
	<i>T. corneus</i>	Horny „
<i>Pleurotoma</i>	<i>P. Banffium</i>	Banff Pleurotoma
	<i>P. turricula</i>	Turret „
<i>Rostellaria</i>	<i>R. pes pelicani</i>	Pelican's foot rostellaria
<i>Cypræa</i>	<i>C. Europæa</i>	European Cowrie
<i>Lottia</i>	<i>L. virginea</i>	Delicate Lottia
<i>Emargenula</i>	<i>E. fissura</i>	Slit limpit
<i>Capulus</i>	<i>C. Hungaricus</i>	Foolsap capulus
<i>Patella</i>	<i>P. vulgata</i>	Common limpet
	<i>P. lævis</i>	Smooth „
	<i>P. pellucida</i>	Transparent „
<i>Chiton</i>	<i>C. marginatus</i>	Bordered canoe shell
<i>Bulla</i>	<i>B. Cranchii</i>	Cranch's bulla
<i>Bullina</i>	<i>B. cylindracea</i>	Cylindric Bullina
<i>Dentalium</i>	<i>D. entalis</i>	Common tooth shell
<i>Pecten</i>	<i>P. maximus</i>	Great scallop
	<i>P. opercularis</i>	Common „
	<i>P. sinuosis</i>	Distorted „
	<i>P. Islandicus</i>	Icelandic „
	<i>P. obsoletus</i>	Striulate „
	<i>P. similis</i>	Laskey's smooth scallop
<i>Lima</i>	<i>L. Loscombi</i>	Loscombe's rasp „
<i>Anomia</i>	several species	
<i>Mytilus</i>	<i>M. edulis</i>	Common mussel
	several varieties	
<i>Modiola</i>	<i>M. barbata</i>	Horse „
<i>Alasmodon</i>	<i>A. margaritifera</i>	Pearl „
<i>Pectunculus</i>	<i>P. glycymeris</i>	Ribbed pectuncle
<i>Nucula</i>	<i>N. nucleus</i>	Common nucule
	<i>N. rostrata</i>	Beaked „
<i>Lucina</i>	<i>L. radula</i>	Wrinkled Lucina
	<i>L. lactea</i>	Milk-white „
	<i>L. leucoma</i>	White „
<i>Astarte</i>	<i>A. Danmoniensis</i>	Devonshire Astarte
	<i>A. Scotticæ</i>	Scottish „
	<i>A. elliptica</i>	Elliptical „
	<i>A. multicostata</i>	Many ribbed „
	<i>A. compressa</i>	Compressed „
<i>Cytherea</i>	<i>C. exoleta</i>	Worn Cytherea
	<i>C. linctæ</i>	Smooth „
<i>Venus</i>	<i>V. casina</i>	Thick ridged Venus

Genera	Species	Vernacular Names
Venus	<i>V. reflexa</i>	Thin ridged Venus
	<i>V. gallina</i>	Hen „
	<i>V. Prideauxiana</i>	Prideaux's „
	<i>V. fasciata</i>	Banded „
	<i>V. ovata</i>	Ribbed „
Venerupis	<i>V. virginea</i>	Virgin rock-Venus.
	<i>V. pullastra</i>	Pullet „
Cardium	<i>C. echinatum</i>	Prickly cockle
	<i>C. edule</i>	Eatable „
	<i>C. lævigatum</i>	Smooth „
Donax	<i>D. trunculus</i>	Oblong Donax
Tellina	<i>T. solidula</i>	Little thick tellina
	<i>T. crassa</i>	Thick ribbed „
	<i>T. tenuis</i>	Thin shelled „
	<i>T. fabula</i>	Streak shelled „
Solen	<i>S. siliqua</i>	Razor case solen
Psammobia	<i>P. Feroensis</i>	Feroese Psammobia
Saxicava	<i>S. rugosa</i>	Wrinkled saxicava
	<i>S. arctica</i>	Arctic „
Mactra	<i>M. stultorum</i>	Simpleton's mactra
	<i>M. solida</i>	Thick shelled „
	<i>M. elliptica</i>	Elliptical „
	<i>M. subtruncata</i>	Small triangular „
Lutraria	<i>L. elliptica</i>	Elliptical lutraria
Amphidesma	<i>A. album</i>	White amphidesma
	<i>A. tenue</i>	Triangular „
	<i>A. prismaticum</i>	Iridescent „
Anatina	<i>A. prætenuis</i>	Delicate anatina
	<i>A. truncata</i>	Truncated „
Thracia		
Mya	<i>M. truncata</i>	Abrupt gaper
	<i>M. arenaria</i>	Sand „
	<i>M. ovalis</i>	Oval „
Corbula	<i>C. inequivalvis</i>	Common corbula
Pholas	<i>P. crispata</i>	Curled piddock

NOTE.—There is every reason to believe that a thorough investigation of the County and its coast would add at least as many more shells to its native Conchology.

FINIS.

